FEDERAL REGISTER

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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

INSURANCE REQUIREMENTS FOR BANK AND COMMISSIONER LOANS

Sections 10.190 and 10.195 of Title 6, Code of Federal Regulations are hereby amended to read as follows:

§ 10.190 *Mortgagor's option to use loss proceeds for reconstruction.* At the option of the mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved.

(Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth")

§ 10.195 *Application of loss proceeds to mortgage debt.* If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction may also be retained for application upon the indebtedness or as collateral security therefor.

(Sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth")

These regulations shall become effective August 2, 1943.

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-12269; Filed, July 29, 1943; 9:41 a. m.]

PART 19—FEES AND CHARGES ON BANK AND COMMISSIONER LOANS

REVISION OF REGULATIONS

Sections 19.320, 19.322, 19.326, 19.330, 19.331, 19.332, 19.333 and 19.335 of Title 6, Code of Federal Regulations are hereby amended and §§ 19.328, 19.334, 19.339 and 19.340 are hereby added as follows:

Sec.
19.320 Association application fees.
19.322 Bank application fees.
19.326 Bank closed loan fees.
19.328 Association fees on Commissioner loans; "New Money" defined.
19.330 Additional loans; bank fees.
19.331 Divisions of loans; bank fees.
19.332 Loans on specialized farms; bank fees.
19.333 Nonresident investigations; bank fees.
19.334 Applicability of bank fees.
19.335 Appraisal fees.
19.339 Partial releases; bank fees.
19.340 Release of personal liability; bank fees.

§ 19.320 *Association application fees.* Associations may collect an association application fee of not more than $5.00 in connection with each application for $5,000.00 or less, and an association application fee of not more than $10.00 in connection with each application for over $5,000.00; *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. This fee may be collected at the time the application is filed. It may be retained by the association regardless of whether the loan is rejected or closed as a bank loan, a Commissioner loan, or a joint bank and Commissioner loan; *Provided, however,* That if no association appraisal is made after a fee provided for in this paragraph has been collected, the amount of such fee shall be refunded.

(Secs. 11 "Third", 17 (d), 39 Stat. 369, 375, as amended; 12 U.S.C. 761 "Third", 831 (d))

§ 19.322 *Bank application fees.* The banks may collect an application fee of not to exceed $10.00 on each application.

(Secs. 12 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C., 761 "Ninth", 831 (d), 723 (e), 1016 (e))

Sections 19.323 and 19.325 are revoked.

§ 19.326 *Bank closed loan fees.* When a loan is closed, the bank may deduct from the proceeds an amount not exceed-

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REGULATIONS AND NOTICES

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FEDERAL REGISTER

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ing $1.00 for each $1,000.00, or fraction thereof, by which the amount loaned exceeds $5,000.00.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e))

§ 19.328 *Association fees on Commissioner loans; "New money" defined.* Where an association is not operating under a plan which compensates it, or is intended to compensate it, for its total operating expenses, the association may be allowed a commission of one-half of 1 percent of the full amount of new Commissioner loans closed. On Commissioner loans made to refinance outstanding Commissioner loans, bank loans, or both, this loan closing commission may be allowed only on the new money loaned. Loan closing commissions allowed associations for closing Commissioner loans shall not be collected from the borrowers but shall be paid by the Corporation. "New money", as used in these regulations, is defined as the amount of the new note or notes which represents other than principal of the outstanding loan held by the bank or the Corporation, or both, unmatured as of the date of the application.

(Secs. 33, 34, 48 Stat. 49, as amended; 12 U.S.C. 1017, 1018)

AUTHORITY: §§ 19.330 to 19.335, inclusive, issued under secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e).

§ 19.330 *Additional loans; bank fees.* In connection with applications for loans in increased amounts, whether or not additional security is offered, a fee of $10.00 should accompany the application, and if the loan is closed, the bank may deduct from the proceeds an additional fee amounting to $1.00 for each $1,000.00, or fraction thereof, by which the amount of new money loaned exceeds $5,000.00.

§ 19.331 *Division of loans; bank fees.* Each application for the division of an existing loan should be accompanied by a fee of $5.00. If the application results in an increased loan, the bank may deduct from the proceeds an additional fee of $1.00 for each $1,000.00, or fraction thereof, by which the amount of new money loaned exceeds $5,000.00.

§ 19.332 *Loans on specialized farms; bank fees.* In the case of applications for loans (or increased loans or divisions of loans) on specialized farms of certain types, such as turpentine farms, ranches, and orchards, where appraisal costs are unusually high, the banks may establish, subject to the approval of the Land Bank Commissioner, special additional fees in recognition of the higher cost of appraisal of such property.

§ 19.333 *Nonresident investigations; bank fees.* Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary for the bank to make a non-resident personal investigation, the applicant may be required to pay a fee of $7.50, such fee to be refunded in its entirety to the applicant if the investigation is not made.

§ 19.334 *Applicability of bank fees.* The fee schedule described in §§ 19.322, 19.326, 19.330, 19.331 and 19.332 is applicable to single Federal land bank or Land Bank Commissioner first mortgage loans; in the event the application results in a joint land bank and Land Bank Commissioner loan, the fee shall be computed upon the basis of the aggregate amount loaned.

§ 19.335 *Appraisal fees.* The fee deposits authorized by §§ 19.322, 19.330, 19.331, and 19.332 of these regulations should be retained by the bank if an appraisal is made of the property but in any such case where an appraisal is not made, the fee should be refunded in its entirety to the applicant. Where a reappraisal is required because of delay of the applicant or is made at his request, the applicant may be required to pay a second fee computed on the basis set forth in §§ 19.322, 19.330, 19.331, and 19.332.

§ 19.339 *Partial releases; bank fees.* Each application for a partial release of the mortgaged security should be accompanied by a fee of $10.00, which should be retained by the bank if an appraisal is made but returned to the applicant in its entirety if an appraisal is not made. Provision may be made, subject to the approval of the Land Bank Commissioner, for additional fees in the case of applications for releases in connection with specialized farms.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 33, 34, 48 Stat. 44, 48, 49, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e), 1017, 1018)

§ 19.340 *Release of personal liability; bank fees.* Where, upon transfer of title to the mortgaged property, an application is made for release from personal liability, the bank may require a fee of $10.00 in connection with each application, such fee to be refunded in its entirety to the applicant in the event an appraisal of the property is not made.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 33, 34, 48 Stat. 44, 48, 49, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (e), 1016 (e), 1017, 1018).

These regulations shall become effective August 2, 1943.

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-12270; Filed, July 29, 1943; 9:41 a. m.]

Chapter III—Farm Security Administration

Subchapter J—Miscellaneous Farm Assistance

PART 390—FLOOD RESTORATION LOANS

Sec.
390.1 General.
390.2 Eligibility.
390.3 Loan policies and purposes.
390.4 Making of loans.
390.5 Supervision and loan servicing.
390.6 Reports.

AUTHORITY: §§ 390.1 to 390.6 inclusive issued under Pub. Law 140, 78th Cong.

§ 390.1 *General.* Congress has made available to the Secretary of Agriculture a fund of $15,000,000 for assistance to farmers whose property was destroyed or damaged by floods in 1943. The Secretary of Agriculture has designated the Farm Security Administration as the agency to administer a program of Flood Restoration (FR) loans.

(a) *Purpose of program.* The Flood Restoration Loan Program will provide assistance to farmers, in designated areas, who because of damage or destruction of property by such floods will not be in a position to continue agricultural production needed in the war unless credit is made available from this source. The general test for determining the amount of each loan is whether such amount is necessary to correct a situation which appears reasonably to have resulted from such floods and is required either (1) to enable the applicant to resume or continue agricultural production this year, or (2) to make arrangements for such production next year.

(b) *Scope of program.* The Flood Restoration Loan Program will be restricted to counties designated by the Secretary of Agriculture. No activity under this program will be initiated in any county until the regional director has been officially notified of designation by the Secretary.

(c) *Local assistance from other agencies.* Although the actual making and servicing of loans will be the responsibility of the Farm Security Administration, there will be a need, particularly at the county level, for the full cooperation and assistance of other agricultural agencies and representives. War Boards, representatives of other agricultural credit sources (federal, state and local), and other community leaders can furnish valuable advisory assistance, publicity and other services.

§ 390.2 *Eligibility.* Any farm owner or any farm operator (including tenants and sharecroppers) whose farm lies in a designated county and whose property was destroyed in whole or in part by floods in 1943, will be eligible to apply for an appropriate type of FR loan under this program: *Provided,* Such applicant is unable to obtain credit elsewhere at comparable or reasonable terms: *And provided, further,* That a loan is necessary to resume or continue agricultural production either in 1943 or 1944. Final determinations of eligibility will be made by county FSA committees.

§ 390.3 *Loan policies and purposes.* Two types of loans (see paragraphs (e) and (f) hereof) will be available to applicants under this program. These loans will be distinguished from other loans made by the Farm Security Administration. Recipients of loans under this program will be identified as Flood Restoration borrowers (FR borrowers). FSA borrowers who have suffered flood damage are eligible for FR loans within the limitations set forth in this Instruction. (Such borrowers will retain their present classification as FSA borrowers.)

(a) *Refinancing.* No indebtedness secured by a mortgage upon real estate will be refinanced under this program. Indebtedness other than real estate debt may be refinanced with FR loans in exceptional cases upon the approval of the Secretary of Agriculture, if such refinancing becomes necessary by reason of flood damage and is essential to the resumption or continuance of production and then, only after such debts have been properly adjusted.

(b) *Debt adjustment.* There will be many situations under this program where the damage or loss resulting from floods will have created circumstances that prohibit the orderly liquidation of existing debts and, therefore, necessitate a careful and thorough adjustment of debts.

(1) *Real estate debts.* In those situations where the existing indebtedness on real estate merits adjustment to justify the additional credit necessary to restore the land to production, efforts should be made to induce creditors to (i) reduce the amount of such indebtedness, (ii) extend the terms thereof, or (iii) otherwise, satisfactorily adjust the indebtedness to the debt-paying ability of the applicant by any combination of these or other methods.

(2) *Other debts.* In those situations where the adjustment of debts other than real estate debts is essential to the resumption or continuance of production, efforts should be made to induce creditors to adjust debts through reduction, extension or other appropriate methods, to within the probable debt-paying ability of the applicant. If it appears necessary to refinance such debts, the amount recommended for refinancing must not exceed the sum of a conservative estimate of the borrower's ability to repay annually, multiplied by the number of years over which repayment should be extended, (this may not, in any case, exceed 10 years), or in the case of secured debts a conservative estimate of the value of the security, whichever is the lesser.

(c) *Alternative protective actions.* In those situations where adjustment of debts appears desirable but may not be vitally essential to the resumption or continuance of production, alternative measures may be followed for the pro-

tection of the Government's and the applicant's interests:

(1) Subordination agreements may be obtained from secured creditors, either real estate or non-real estate, in lieu of debt reductions where it appears that ultimate repayment of the total debt could be made without serious financial injury to the applicant.

(2) Non-disturbance agreements may be obtained from either secured or unsecured creditors (real estate or non-real estate debts) in lieu of an extension of time in those instances where it appears that the applicant will be able to either repay or place himself in a safe financial position provided he is not disturbed during an ample period of time.

(d) *Protective tenure improvements.* There may be some situations where contract purchasers of land and mortgagors with small equities will desire to make so-called permanent improvements to real estate which are necessitated by flood damage and which appear essential to bringing about partial production of essential agricultural commodities in 1943 or full production in 1944. In passing upon these loan applications, due consideration must be given to the approximate cost of such improvements in relation to the borrower's equity in the land. If it appears that the borrower may, through foreclosure, cancelation of contract, or otherwise, fail to realize the reasonable value of the expenditure, the loan should not be made, unless the mortgagee or title owner of the real estate (1) assumes liability for the amount loaned for such improvements, or (2) agrees that the improvements may be removed in the event of foreclosure or sale of the farm to other than the contract purchaser or mortgagor, or (3) agrees to compensate the borrower for the residual value of the improvements in the event of such termination. If the applicant is a tenant the same tests must be followed, and the loan for such improvements must not be made unless the mortgagee or title owner of the real property will agree (1) to become liable for the amount loaned to make the improvements, or (2) to permit the removal of the improvements at the termination of the lease, or (3) to pay for the residual value of such improvements at the termination of the lease, or (4) to extend the period of the tenure sufficient to enable the applicant to obtain full utilization of the cost of the improvement.

(e) *Production restoration loans.* Loans may be made to eligible applicants, for a period of not to exceed 10 years or a shorter period consistent with the borrower's anticipated ability to repay, or the useful life of the security, at an interest rate of 5 per cent per annum for production needs including repairs or replacement of equipment, livestock, minor repairs and replacements on real estate, and other needs essential to the resumption or continuance of production. In those states in which the chattel mortgage will not be capable of extension over the entire repayment period of the loan, the installment due under the note for the year when the lien, created by a chattel mortgage, is to be terminated must be the aggregate of the normal installment for that year and the normal installments for all subsequent years. The borrower should be advised that the note will be extended to provide for payments over the desired period of the loan if the extension is justified and if a new chattel mortgage is given by the borrower immediately preceding the end of the statute period covering security adequate to justify the extension. In all cases in which the property to be purchased consists of movable property which can be made the subject of a chattel mortgage, the chattel mortgage should be obtained. The Regional Attorney should be requested to prepare instructions concerning the taking of mortgages on chattels to be affixed to the real estate. Production Restoration loans may include funds for the following purposes:

1. Purchase of feed, seed and fertilizer.
2. The repair or replacement of machinery and equipment.
3. Purchase of livestock.
4. Minor real estate repairs or replacement of buildings, fences and other farm improvements and facilities.
5. Refinancing of adjusted debts other than real estate debts.
6. Other general farm operating expenses.
7. Home operating expenses.

(f) *Real estate restoration loans.* Loans may be made to eligible farmers, for a period of not to exceed 20 years or a shorter period consistent with the borrower's anticipated ability to repay, or the useful life of the security, whichever is the lesser, at an interest rate of 3½ per cent per annum for major repairs or replacements to real property destroyed or damaged in whole or in part by floods. Such loans may include funds for the following purposes:

1. Leveling land or clearing of debris.
2. Major repairs or replacements of drainage, irrigation or flood control systems.
3. Major repairs or replacements of farm buildings.
4. Major repairs or replacements of fencing, orchards, windbreaks or other farm improvements and facilities.
5. Expenses incidental to the making of the loan.

§ 390.4 *Making of loans.* FR loans will be made under existing FSA procedures except as otherwise provided in this Instruction.

(a) *Applications.* (1) Applications for either type of Flood Restoration loan will be made on Form FSA 663, "Flood Restoration Loan Application." No other form of application will be required under this program.

(2) Applications will be referred by the FSA supervisor to the county FSA committee for its consideration and determination of the applicant's eligibility and for recommendations on the loan requested. In determining eligibility, the committee will be guided by FSA policies and instructions governing the Flood Restoration Loan Program.

(3) Certain applications, particularly among applications for Real Estate Restoration loans, will contemplate repairs or replacements requiring engineering services. In any such case, a request for the services of the district engineer's staff should be made through the proper channels. The office of the district engineer will provide required surveys, plans, specifications, contract documents and supervision, at appropriate times where such engineering services are determined to be necessary.

(b) *Preparation and processing of loan dockets.* Dockets for either type of Flood Restoration loan will be prepared on the same forms and in the same number of copies and will be processed and case numbers assigned in the same manner as standard RR loans except as follows:

(1) All forms will be prominently marked "Flood Restoration Loan."

(2) Loan Agreement, Form FSA 664, will be required for both types of Flood Restoration loans and prepared and distributed in the same manner as the loan agreement for standard RR loans.

(3) The Flood Restoration Loan Application, Form FSA 663, will be prepared in an original and three copies; the original will be included in the loan docket, and forwarded to the regional director from the finance area office upon certification of the loan voucher; one copy will be given to the applicant, one copy forwarded to the district FSA supervisor and one copy retained in the county FSA office.

(c) *Loan approval.* (1) Applications for loans under this program exceeding $25,000 to a borrower and applications involving refinancing will be referred to the Secretary of Agriculture with the recommendation of the Administrator. In all such cases the complete docket will be forwarded to the Administrator by the official otherwise authorized to approve the loan, with his analysis and recommendation.

(2) Loan applications under this program exceeding $10,000 to a borrower but not exceeding $25,000 will be referred to the Administrator with the recommendation of the regional director.

(3) Regional directors are hereby authorized to approve FR loans in amounts not to exceed an aggregate of $10,000 to a borrower under the FR Loan Program. This authority may be redelegated to an appropriate member of the regional director's staff.

(4) Individual district FSA supervisors and associate district FSA supervisors may be delegated authority by the regional director to approve FR loans in amounts not in excess of $5,000. The amount of authority delegated to district and associate district FSA supervisors will constitute a limitation on the aggregate amount of FR loans to a borrower that may be approved by such employees under the FR loan program.

(5) Individual FSA supervisors may be delegated authority by district FSA supervisors to approve FR loans in amounts not in excess of $2,500. The amount of delegated loan approval authority will represent the aggregate amount of FR loans for any borrower which may be approved by an FSA supervisor under the FR Loan Program.

(d) *Security.* Loans made under the FR Loan Program will be secured to a degree of reasonable adequacy, usually by liens on the property purchased or produced with loan funds.

(1) *Real estate restoration loans.* Real estate restoration loans will be secured by liens on the real estate unless other collateral security is offered which is determined to be reasonably adequate. Liens on real estate may be junior liens, provided that the outstanding indebtedness against the real estate, plus the amount of the FR loan, will not exceed the value of the realty and the total indebtedness appears to be within the debt-paying ability of the applicant and arrangements are made so that the tenure of the applicant will be reasonably secure. In all cases of loans of $1,000 or more, the title shall be approved by the Regional Attorney or a mortgage title insurance policy issued by a company approved by the Solicitor's Office shall be furnished. In cases of loans under $1,000, there shall be included in the docket an owner's affidavit, Form FSA–665, a third party affidavit, Form FSA–LE–238, or Form FSA–RP–70, "Tract date obtained from public record," completed and signed by the FSA supervisor, county recorder, county treasurer and abstractor or other appropriate person or official. The applicant must pay all costs in connection with the title insurance policy or the preparation and continuance of the abstract or other expense necessary in the furnishing of proper title evidence and the costs of recording, but the Government may advance money necessary for this purpose by including sufficient funds in the loan. It will be the responsibility of the Regional Attorney to prepare appropriate instructions for the obtaining of title evidence, the closing of loans and the obtaining of a mortgagee title insurance policy if required.

(2) *Production restoration loans.* Production Restoration loans will be secured by a first lien on all property purchased and the best lien obtainable on property repaired (except real estate) or crops produced with loan funds. It is anticipated that such liens will ordinarily represent reasonably adequate security, however, in those cases in which the major portion of the loan funds are advanced for items that cannot be made subject to a lien, additional security may be required by the approving official in order to establish a situation of reasonable adequacy. In cases where liens are taken on property being repaired or on property representing additional security, junior liens will be acceptable provided the borrower owns a mortgageable equity in such property.

(3) *Other security.* Other security, such as assignments of farm income, may be required by the approving official where it appears necessary for the protection of the Government's interests in the orderly retirement of the FR loan.

§ 390.5 *Supervision and loan servicing*—(a) *Supervision.* It is not contemplated that FR borrowers will be given the type of detailed supervision of farm and home practices and operations characteristic of the FR program. However, there may be situations where loans cannot safely be made except in anticipation of some supervision of farm and home operations. The FSA Committee, in passing upon the eligibility of each applicant, will determine whether such supervision is necessary. When any FR borrower requests supervisory assistance of the type ordinarily given under the RR program, provisions will be made for the extension of supervisory services within the limits of available personnel.

(b) *Loan servicing.* FR loans will be serviced under the procedures and with forms applicable to standard RR loans except as provided herein. FSA officials who are delegated similar authority with respect to RR loans are hereby authorized to do all acts necessary and incidental to the making, servicing, renewing and collecting of all FR loans, subject to monetary restrictions and other restrictions applicable to similar acts under the RR program. FSA officials who are similarly authorized to act under the RR program are likewise authorized to accept, record, release and satisfy instruments of security for all FR loans subject to monetary restrictions and other restrictions imposed under the FR-RR program (8 F.R. 7413, June 4, 1943). Specific exceptions to these general authorizations are as follows:

(1) Partial release of security may be granted only for the following purposes:

(i) Repayments on FR loans.

(ii) Exchange (including sale and repurchase) of security better suited to the future needs of the borrower.

(iii) For the protection and maintenance of remaining security.

(2) The renewal of FR loans will be accomplished on the same forms and handled under the same general procedures applicable to standard RR loans except that Real Estate Restoration loans or Production Restoration loans will not be combined with any other type of loan. Separate renewal notes will be required for each of these loan types, although such a renewal may include several loan advances of the same type.

§ 390.6 *Reports.* No special reports on the FR Loan Program will be required of county FSA offices. Finance area offices will prepare for the Secretary as of August 31, 1943, and monthly thereafter, reports by states of the number and amount (by loan types) of loan advances, the total amount advanced such borrowers, the amount of principal and interest repaid, and balances of principal unpaid. In addition, regional directors will prepare for the Secretary on the 10th of each month a report by states based on applications processed through the Finance area office during the preceding month, showing the number of FR loans involving advances for each of the purposes indicated in § 390.3 (e) and (f) and the total amount of advances made for each of the purposes indicated in these paragraphs.

Dated: July 24, 1943.

[SEAL] GEORGE S. MITCHELL,
Acting Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-12198; Filed, July 27, 1943; 4:52 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

ORDER AUTHORIZING FARM SECURITY ADMINISTRATION TO MAKE LOANS FOR FLOOD RELIEF

Pursuant to the authority vested in me under Title I of the "Second Deficiency Appropriation Act 1943" (Pub. Law No. 140, 78th Congress), I hereby authorize and direct the Farm Security Administration to make loans in such areas as I may designate to provide assistance to farmers whose property was destroyed or damaged, in whole or in part, by floods in 1943 where necessary to enable such farmers to resume or continue agricultural production in 1943, or to make arrangements for such production in 1944 in order to produce for the war effort.

1. Such loans may be made for the purpose of aiding any farmer, who is unable to obtain credit elsewhere at comparable or reasonable terms, to replace or repair any property so destroyed or damaged, and to finance the purchase of feed, seed, livestock, equipment and other farming supplies, materials, and operating costs and expenses necessary to carry on such farming operations.

2. No loan shall be made for a longer period than 20 years. Interest shall be charged at a rate of not greater than 5 percent nor less than 3½ percent. Different interest rates may be fixed for different classes of loans.

3. The Farm Security Administration shall have authority to do all acts necessary and incidental to the making, servicing, renewing, and collecting of such loans, except that all loans of $25,000 or more or which include funds for refinancing indebtedness shall be approved by me. Reasonably adequate security shall be taken for all loans made pursuant to this delegation of authority and for this purpose authority is hereby granted to accept, record, release and satisfy instruments of security of all kinds.

4. The Administrator of the Farm Security Administration or, in his absence, the Acting Administrator, shall exercise the authority contained herein, shall issue detailed instructions which shall be approved by me, and may delegate and authorize redelegation of this authority to subordinate officers and employees of the Farm Security Administration. (Public Law No. 140, 78th Congress)

Done at Washington, D. C., this 24th day of July, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-12197; Filed, July 27, 1943; 4:52 p. m.]

Chapter IX—War Food Administration

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

HANDLING OF MILK

Sec.
946.0 Findings and determinations.
946.1 Definitions.

AUTHORITY: §§ 946.0 to 946.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 1940 ed. 601 et seq; E.O. 9334, 8 F.R. 5423.

§ 946.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1941 Supp., 900.1–900.17 7 F.R. 3350, 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held; and

(4) The handling of all milk sold or disposed of in the marketing area, as defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

(b) *Additional finding.* It is hereby found and proclaimed that the purchasing power of milk in the said marketing area for the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture but that the purchasing power of such milk for the post-war period August 1919–July 1929 can be satisfactorily determined from available statistics in the Department of Agriculture; and the post-war period August 1919–July 1929 is the base period to be used in determining the purchasing power of such milk.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk covered by this order which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order and who, during the month of May 1943 (which month is hereby determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is hereby ordered that such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the terms and conditions of this order, as amended.

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Louisville, Kentucky, marketing area" hereinafter called the "marketing area" means the territory within the city of Louisville, Fort Knox Military Reservation, and Jefferson County, in the State of Kentucky; and all municipal corporations and unincorporated territory within Clark and Floyd Counties, in the State of Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether any such person is also a handler, who produces, under a dairy farm inspection permit issued by the proper health authorities, milk which is received at a plant from which milk is disposed of in the marketing area. This definition shall be deemed to include any person who produces, under a dairy farm inspection permit issued by the proper health authorities, milk caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association: *Provided,* That such milk is handled on a basis which will permit the market administrator to verify the utilization of such milk in the plant at which such milk is received. This definition shall not be deemed to include any person from whom emergency milk is received.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk received by a handler from sources other than producers under a permit to receive such milk issued to him by the proper health authorities.

§ 946.2 *Market administrator*—(a) *Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the War Food Administrator complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the War Food Administrator;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5 or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and in the performance of his duties, except those expenses incurred under § 946.9 hereof; and

(7) Promptly verify the information contained in the reports submitted by handlers.

§ 946.3 *Classification of milk*—(a) *Milk to be classified.* Milk of a producer caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area and all milk received by each handler, including milk produced by him, if any, at plants from which milk is disposed of in the marketing area, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c), (d), and (e) of this section. In the classification of milk as required in (b) of this section, the responsibility of each handler shall be as follows:

(1) In establishing the classification of any milk received by a handler, the burden rests upon the handler to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who first received the milk to account for the milk, or skimmed milk, and to prove to the market administrator that such milk, or skimmed milk should not be classified as Class I milk.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skimmed milk disposed of as milk, buttermilk, and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all milk disposed of as cream (for consumption as cream), including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, and as creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (i) as used to produce a milk product other than those specified in Class I milk and Class II milk, and (ii) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers, including the handler's own production.

(c) *Interhandler and nonhandler transfers of milk.* (1) Milk and skimmed milk disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and cream so disposed of shall be Class II milk: *Provided,* That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(2) Milk and skimmed milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(3) Cream disposed of from handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided,* That cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified according to its ultimate use or disposition by such establishment, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period the market administrator shall compute for each handler the amount of milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received from producers (including the handler's own production), received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the weight of the milk received from producers (including the handler's own production), received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows: (i) convert to quarts the quantity of milk and skimmed milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) multiply the result by the average butterfat test thereof; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 4 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows: (i) multiply the actual weight of each of the products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 4 percent.

(5) Determine the total pounds of Class III milk as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk computed pursuant to (3) (ii) and (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (ii) of this subparagraph; and (iv) divide the result obtained in (ii) of this subparagraph by 4 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk, except emergency milk, which were received from sources other than producers and handlers and used in such class.

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk of the handler's own production.

(iv) Subtract from the total pounds of milk in each class an amount which shall be computed as follows: divide the total pounds of milk in each class by the total pounds of milk in all classes and multiply the percentage for each class by the total pounds of emergency milk received. Skimmed milk or (the milk equivalent of) cream received from sources other than producers under an emergency supply permit issued by the proper health authorities shall be treated as emergency milk for the purposes of this section, if such skimmed milk or (the milk equivalent of) cream is reported to the market administrator in the manner provided for emergency milk in (2) and (3) of § 946.5 (a).

(e) *Reconciliation of utilization of milk by classes with receipts of milk*

from producers. (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

§ 946.4 *Minimum prices*—(a) *Class prices.* Subject to the provisions of (b), (c), and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 946.3 (d) and (e);

(1) Class I milk: The price for Class I milk shall be the price for Class III milk, plus the following amount:

Delivery period:	*Amount (dollars per cwt.)*
April through July	0.95
August through March	1.05

(2) Class II milk: The price for Class II milk shall be the price for Class III milk, plus the following amount:

Delivery period:	*Amount (dollars per cwt.)*
April through July	0.45
August through March	.50

(3) Class III milk: The price for Class III milk shall be the price resulting from the following computation by the market administrator: determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed herein below, for ungraded milk received during the delivery period:

Concern and location

Ewing-Von Allmen Co., Louisville, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Cheese Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: to the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 30 percent thereof, and multiply the resulting amount by 4.

(4) The prices used in determining the average manufacturing plant price pursuant to (3) of this paragraph shall be those quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

(b) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the War Food Administrator for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk, plus 12 cents.

(c) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 4 percent of butterfat, each handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture, or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which the milk was received, add 20 percent, and divide the result by 10.

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 946.3 (e), the handler shall be debited or credited, as the case may be, at the Class III price; *Provided,* That if such handler received from producers milk with an average test of butterfat of 4 percent or less and disposed of no milk as a Class III milk product, such debit or credit, as the case may be, shall be made at the Class II price.

§ 946.5 *Reports of handlers*—(a) *Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of milk from producers (including milk produced by him), from handlers, and from any other source; and the utilization of all receipts of milk and cream for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of emergency milk—the quantity of such milk, the date or dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports.* (1) Each handler shall permit the market administrator or his agent, during the usual hours of business, to verify the information contained in reports submitted in accordance with this section, to check-weigh milk received from each producer, and to sample and test milk for butterfat.

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the market administrator to examine the records of milk and cream handled in a plant of the handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the value of milk computed for such handler for the delivery period following such reclassification of milk.

§ 946.6 *Handlers who are also producers*—(a) *Application of provisions.* (1) No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers other than that of his own production, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(2) The market administrator, in computing the value of milk received by a handler operating a plant from which milk is disposed of in the marketing area, shall consider as Class III milk any milk or cream received in bulk from a handler who receives no milk from producers other than that of his own production. If such receiving handler disposes of such milk other than as Class III milk, the

market administrator shall add to the total value of milk, computed pursuant to § 946.7 (a), the difference between the value of such milk at the Class III price and the value according to its actual usage.

§ 946.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 946.6, the value of milk of producers disposed of by each handler, by multiplying the quantity of such milk in each class by the price applicable to such class and by adding together the resulting class values: *Provided,* That if such handler has received milk (or cream), except emergency milk, from sources other than producers or handlers, as referred to in § 946.3 (d) (6) (ii), there shall be added to the value of milk determined for such handler pursuant to this paragraph an amount computed as follows: multiply the hundredweight of such milk (or milk equivalent of cream) by the difference between the Class III price and the price applicable to the class in which it was disposed.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk for each delivery period, as follows:

(1) Combine into one total the respective values of milk, computed pursuant to (a) of this section, for each handler who made the report prescribed by § 946.5 (a) for such delivery period and who has made the payments prescribed by § 946.8 (c);

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f);

(3) Subtract for each of the delivery periods of April, May, and June an amount representing 15 cents per hundredweight of milk received from producers by the handlers whose milk values are included under (1) of this paragraph;

(4) Add for each of the delivery periods of September, October, November, and December one-fourth of the aggregate amount subtracted under (3) of this paragraph for the preceding delivery periods of April, May, and June;

(5) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to (3) of this paragraph for addition pursuant to (4) of this paragraph;

(6) Divide the amount computed pursuant to (5) of this paragraph by the total hundredweight of milk of producers;

(7) Subtract from the figure computed pursuant to (6) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for milk of producers containing 4 percent of butterfat; and

(8) On or before the 10th day after the end of each delivery period, notify each handler and publicity announce the uniform price per hundredweight computed pursuant to (7) of this paragraph, the Class III price, and the butterfat differentials provided by § 946.4 (c) and § 946.8 (f).

§ 946.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the butterfat differential set forth in (f) of this section. Any handler may make payments to producers in addition to the minimum payments required by this paragraph: *Provided,* That such additional payments are made to all producers supplying such handler with milk of the same quality and grade.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (c) and (e) of this section, and out of which he shall make all payments to handlers pursuant to (d) and (e) of this section.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value of the milk received by him from producers during the delivery period is greater than the amount of the minimum payments required to be made by such handler pursuant to (a) of this section.

(d) *Payments out of the producer-settlement fund.* On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of the milk received from producers by such handler is less than the amount of the minimum payments required to be made by such handler pursuant to (a) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 20th day after the end of each delivery period, has not received the balance of payment due him from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to (d) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments to each producer, pursuant to (a) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4 percent in milk received from such producer, the amount as shown in the schedule below for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function), for the delivery period during which such milk was received.

Butter price range cents:	*Butterfat differential (cents)*
22.499 and less	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50 and over	7

§ 946.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct 4 cents per hundred-weight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as

amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or produced by him, during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the War Food Administrator. Each cooperative association which is a handler shall pay such prorata share of expense on only that milk of producers caused to be delivered by it to plants from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation, after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

§ 946.13 *Agents.* The War Food Administrator may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 *et seq;* E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 28th day of July 1943. To be effective on and after the 1st day of August 1943.

MARVIN JONES,
War Food Administrator.

Approved: July 28, 1943.

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 43-12237; Filed, July 28, 1943; 4:54 p. m.]

Chapter XI—War Food Administration

[FDO 65-1]

PART 1405—FRUITS AND VEGETABLES

BARTLETT AND BEURRE HARDY PEARS GROWN IN CALIFORNIA, OREGON, OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 65, issued by the Acting War Food Administrator on July 19, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* as follows:

§ 1405.17 *Delegation of authority and specification of assessments*—(a) *Definitions.* (1) Each term defined in Food Distribution Order No. 65 shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 65.

(2) When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term "order" means Food Distribution Order No. 65, issued by the War Food Administrator on July 19, 1943.

(b) *Delegation of authority.* In accordance with the provisions of § 1405.16 (h) of the order, there is hereby delegated to Merritt A. Clevenger, as Order Administrator, and Donald R. Rush, Harry M. Cleaver, and Harold A. Brock, as Deputy Order Administrators, the following authority to administer, in the respects hereinafter stated, the aforesaid order:

(1) The aforesaid Order Administrator may, after having received in each instance prior approval by the Chief or Acting Chief of the Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, issue general authorizations in accordance with the provisions of § 1405.16 (b) (3) of the order, and may, after having received in each instance prior approval as aforesaid, prescribe, in accordance with the provisions of § 1405.16 (b) (4) of the order, the minimum grade of all pears which may be shipped from region 1 or region 2.

(2) The aforesaid Order Administrator may exercise the authority conferred on the Director by the provisions of §§ 1405.16 (c) (1) (i), 1405.16 (c) (1) (iv), 1405.16 (c) (1) (vii), 1405.16 (c) (1) (viii), 1405.16 (c) (1) (x), 1405.16 (c) (1) (xi), 1405.16 (d), and 1405.16 (f) of the order.

(3) The aforesaid Order Administrator or any Deputy Order Administrator may exercise the authority conferred on the Director by the provisions of §§ 1405.16 (b) (2), 1405.16 (b) (5), and 1405.16 (b) (6).

(c) *Assessments.* It is hereby found and determined that the expenses which will be necessarily incurred by the program manager in region 1 and by the program manager in region 2, respectively, under the provisions of said order, are such that the assessments hereinafter specified will result in each shipper

and each canner, respectively, paying to the program manager for the respective region the pro rata share of each such shipper and canner, respectively, in accordance with the provisions of said order. *It is, therefore, ordered,* That (1) each shipper shall, with respect to each shipment of pears, pay an assessment of one cent per hundredweight to the program manager (within 10 days after the end of each calendar month) of the region from which the respective shipment of pears is made, and (2) each canner doing business in region 1 or region 2 shall, with respect to each lot of pears purchased for canning, pay an assessment in the amount of one cent per hundredweight to the program manager (within 10 days after the end of each calendar month) of the region in which the respective lot of pears was canned.

(d) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., July 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 65, 8 F.R. 9905)

Issued this 29th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-12290; Filed, July 29, 1943; 11:25 a. m.]

[FDO 28-2, Amdt. 2]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Director Food Distribution Order No. 28-2, as amended (8 F.R. 8045, 8989), § 1410.12, issued under authority of the Director of Food Distribution on June 11, 1943, is amended by deleting paragraph (a) and substituting in lieu thereof the following:

(a) Each slaughterer subject to the provisions of Food Distribution Order 28 shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps and Coast Guard of the United States, War Shipping Administration, and contract schools and ship operators as defined in Food Distribution Regulation 2 (8 F.R. 7525) and subject to the provisions thereof, 40 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers, the carcasses of which meet Army specifications for carcass beef or frozen boneless beef: *Provided, however,* That for the week ending July 31, 1943, the percentage of beef required to be set aside for the purposes herein specified shall be 30 percent.

With respect to violations of said Director Food Distribution Order No. 28-2, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Director Food Distribution Order No. 28-2, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., July 28, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO28, 8 F.R. 2787)

Issued this 28th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-12291; Filed, July 29, 1943; 11:25 a. m.]

[FDO 7, Amdt. 1]

PART 1430—SUGAR

DISTRIBUTION OF RAW SUGAR

Food Distribution Order No. 7 (8 F.R. 904), issued by the Secretary of Agriculture on January 15, 1943, is amended to read as follows:

§ 1430.1 *Importation, purchase, and acceptance of delivery of raw sugar restricted*—(a) *Definitions.* (1) "Person" means any individual, partnership, corporation, association, or other business entity, and includes any government corporation or governmental agency.

(2) "Continental United States" means the forty-eight States of the United States and the District of Columbia.

(3) "Raw sugar" means:

(i) Any grade or type of saccharine product, without regard to the place where it is produced, which is derived from sugar beets or sugarcane, is in crystalline form, and is to be further refined, and

(ii) Any saccharine product of sugarcane in liquid form which is produced outside of the continental United States, contains non-sugar solids (excluding any foreign substance which may have been added) equal to 6 per centum or less of the total soluble solids, and is to be further refined.

(4) "Refiner" means any person who is engaged in the refining of raw sugar in the continental United States, on the effective date of this amendment.

(5) "Import" means to bring into the continental United States (including foreign trade zones established pursuant to the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 1940 ed. 81a et seq.).

(6) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Acceptance of delivery.* (1) Any person shall be deemed to have accepted delivery of raw sugar upon the occurrence of any one of the following:

(i) The exercise by such person of any dominion or control over such raw sugar as the owner thereof; or

(ii) The exercise of any dominion or control by such person over such raw sugar as the vendee, under a contract of purchase and sale, without regard to whether or not legal title to such raw sugar has vested in such person.

(2) In addition to the provisions of paragraphs (b) (1) (i), and (ii) hereof, a refiner, who acquires custody or possession of raw sugar, for the purpose of refining such raw sugar, shall be deemed to have accepted delivery thereof, without regard to whether or not he has purchased or contracted to purchase such raw sugar, or has legal title thereto.

(c) *Restrictions.* (1) No person, other than a refiner or the agent of a refiner, or a government corporation or governmental agency, shall purchase, import, or accept delivery of, raw sugar.

(2) No refiner or his agent shall purchase, import, or accept delivery of raw sugar, except as specifically authorized by the Director.

(3) The Director is authorized to establish allotments for the purchase, importation, and acceptance of delivery of raw sugar by refiners, and to issue rules and regulations for the purchase, importation, or acceptance of delivery of raw sugar by refiners, pursuant to such allotments. No refiner or his agent shall purchase, import, or accept delivery of raw sugar in violation of any such rules and regulations, or in excess of any allotment so established by the Director. The Director may, however, authorize a refiner to accept delivery of raw sugar owned by another refiner for the purpose of refining such raw sugar for such owner, and exempt such raw sugar from being charged against the allotment of the refiner who does the refining. Raw sugar which has been charged against the allotment of one refiner but which is subsequently sold and delivered, prior to refining, to another refiner, shall be charged against the latter's allotment and a corresponding credit given to the allotment to which the raw sugar was first charged. Allotments established by the Director pursuant to this paragraph may be modified and changed from time to time by the Director. Insofar as it is practicable, having due regard for wartime conditions with respect to the marketing and transportation of sugar, specific authorizations issued by the Director to refiners shall be made in such manner that each refiner will have received, at any time during an allotment period, his pro rata share of the total available supply of raw sugar, as determined by the proportion which his allotment bears to the total available supply.

(d) *Records and reports.* (1) Each person participating in any transaction to which this order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of raw sugar and of the details of all transactions in raw sugar. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, the parties involved in each transaction, the dates of actual deliveries thereunder, and a description of the raw sugar covered by such contracts or purchase orders showing the area of production, weight, polarization, and value.

(2) Each refiner accepting delivery of raw sugar shall report to the Director the information now required in the administration of the Sugar Act of 1937, as amended.

(3) The Director shall also be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administra-

tion of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(4) The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(e) *Intra-company deliveries.* The provisions and restrictions of this order with respect to the acceptance of delivery of raw sugar shall apply not only to the acceptance of delivery by other persons, including affiliates and subsidiaries, but also to acceptance of delivery by one branch, division, or section of a single enterprise from another branch, division, or section of the same or any other enterprise under common ownership or control.

(f) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of raw sugar of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using raw sugar, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications to the United States Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD–7.

(k) *Territorial extent.* This order shall apply only to the continental United States.

(l) *Effective date.* This amendment shall become effective on the 30th day of July, 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order No. 7, or rights accrued or liabilities incurred thereunder, prior to said date, said Food Distribution Order No. 7 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12238; Filed, July 28, 1943; 4:54 p. m.]

[FDO 7–1, Amdt. 1]

PART 1430—SUGAR

RAW SUGAR ALLOTMENTS

Pursuant to the authority vested in me by Food Distribution Order No. 7, as amended, dated July 28, 1943, Director Food Distribution Order No. 7–1 (8 F.R. 999) is hereby amended to read as follows:

§ 1430.6 *Allotments of raw sugar.* (a) No refiner or his agent shall purchase, import, or accept delivery of raw sugar in excess of the allotment hereby established for the period from January 1, 1942, to September 30, 1944, for him in the amount set forth below opposite his name. All such raw sugar which a refiner has purchased, imported, or accepted delivery of, between January 1, 1942, and the effective date of this order shall be charged against such allotment.

	Short tons, raw value
American Sugar Refining Co	2,457,686
J. Aron & Co	117,362
California & Hawaiian Sugar Refining Corp., Ltd	1,345,722
Charms Company	29
Chase Candy Company	6,767
Colonial Sugars Company	326,797
Godchaux Sugars, Inc	515,992
Henderson Sugar Refinery	196,932
Imperial Sugar Company	350,775
Inland Sugar Company	17,829
Liquid Sugars, Inc	34,717
W. J. McCahan Sugar Refining and Molasses Company	423,924
National Sugar Refining Co	2,034,581
Pepsi-Cola Company	48,529
Realty Operators, Inc	63,970
Refined Syrups & Sugars, Inc	293,084
Revere Sugar Refinery	420,587
Savannah Sugar Refining Corp	445,834
South Coast Corporation	138,054
Sterling Sugars, Inc	79,520
Sucrest Corp. and Affiliates	284,472
Tea Garden Products Company	1,901
Western Sugar Refinery	421,231

(b) This amendment shall become effective on 30th day of July 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Director Food Distribution Order No. 7–1, or rights accrued or liabilities incurred thereunder, prior to said date, said Director Food Distribution Order No. 7–1 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(F.D.O. No. 7, 8 F.R. 904; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–12239; Filed, July 28, 1943; 4:55 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter P—Law and Order

PART 161—LAW AND ORDER ON INDIAN RESERVATIONS

JUDGES

This part, as amended, is hereby further amended by adding the following paragraph to § 161.3 *Judges.*

On any reservation where no permanent Court of Indian Offenses has been established under this section, a provisional court may be established, with powers equal to those of a permanent court. Such court shall be established by detailing a judge from another reservation, upon request of the tribal council of the reservation desiring his services. Such detail shall be made by the Superintendent of the reservation where the judge regularly presides: *Provided,* That where the judge to be detailed is paid from tribal funds the consent of the tribal council of such tribe shall be obtained for the detail. No detail shall extend beyond one year, but any detail may be renewed for additional periods unless such renewal is disapproved by the tribal council which requested or approved the detail.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JUNE 28, 1943.

[F. R. Doc. 43–12243; Filed, July 29, 1943; 9:40 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 19]

PART 803—GENERAL ORDERS

ADJUSTMENTS IN THE RATES OF PAY OF EMPLOYEES OF THE FEDERAL RESERVE SYSTEM

General Order No. 19, adopted by the National War Labor Board on December 8, 1942, is hereby amended to read as follows:

§ 803.19 *General Order No. 19.* (a) The Board of Governors of the Federal Reserve System and any of the twelve Federal Reserve Banks, which proposes to make adjustments in the salaries or wages of their employees not fixed by statute, which would otherwise require the prior approval of the National War

Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or gross inequities, as permitted by the national wage and salary stabilization policy.

(b) A certificate by the official authorizing the adjustments, stating the nature and amount of such adjustment and briefly setting forth the facts meeting the foregoing requirement will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made pursuant hereto shall not be retroactive.

(c) In the case of adjustments made hereunder by any of the twelve Federal Reserve Banks, the certificate above mentioned shall, prior to transmittal to the Joint Committee hereafter described, be transmitted to and shall be subject to the approval of the Board of Governors of the Federal Reserve System.

(d) The certificate prescribed herein, together with four (4) copies thereof, shall be filed promptly with the Committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Department of Labor Building, Washington, D. C., which will forward the same to the Board or Commissioner, as the case may require.

(e) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the minimum noninflationary going rates for similar occupational groups in the labor market area.

(E.O. 9250, 7 F.R. 7871)

Adopted July 23, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-12221; Filed, July 28, 1943; 2:11 p. m.]

[General Order 20]

PART 803—GENERAL ORDERS

ADJUSTMENTS IN THE RATES OF PAY OF EMPLOYEES OF THE UNITED STATES EMPLOYMENT SERVICE

General Order No. 20, adopted by the National War Labor Board on December 8, 1942, is hereby amended to read as follows:

§ 803.20 *General Order No. 20.* (a) The United States Employment Service, or any of its state administrative offices which proposes to make adjustments in the salaries or wages of its employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or gross inequities, as permitted by the national wage and salary stabilization policy.

(b) A certificate by the appropriate official of the United States Employment Service stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made by the United States Employment Service or one of its state administrative offices acting pursuant hereto shall not be retroactive.

(c) The certificate prescribed herein, together with four copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Department of Labor Building, Washington, D. C., which will forward the same to the Board or the Commissioner, as the case may require.

(d) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the minimum non-inflationary going rates for similar occupational groups in the labor market area.

(E.O. 9250, 7 F.R. 7871)

Adopted July 23, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-12222; Filed, July 28, 1943; 2:11 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Interpretation 1 of Conservation Order M-23]

The following interpretation is issued with respect to Conservation Order M-28.

a. *Reports of inventories.* The reporting requirement of paragraph (j) (2) of Order M-28 [§ 970.1] must be complied with regardless of whether the chlorinated hydrocarbon refrigerants are being held by the owner for his own use or for resale.

The paragraph requires every person (including the owner of a refrigerating or air conditioning system) who has in his possession, on the 15th day of any calendar month (commencing with the month of July), more than 500 pounds of any type of chlorinated hydrocarbon refrigerants, or who sold more than 2,000 pounds of such a refrigerant during the preceding calendar month, to file a report on Form WPB-3054 with the War Production Board on or before the 20th day of the month.

Each "person", as defined in the order, must report the aggregate quantities in his possession (including stocks of less than 500 pounds located at various places) if the total is more than 500 pounds.

The report must include all amounts not actually being used in refrigerating or air conditioning systems. Thus the owner or operator of a system who has more than 500 pounds in his possession must report his entire supply except for the minimum operating charge actually installed in his system. Any additional amount which he may have must be reported, whether kept in cylinders, a storage receiver or other form of container. However, if a minimum operating charge is being temporarily held in a container while the system in which it had been installed is being repaired, it should not be reported.

An equipment manufacturer who has more than 500 pounds in his possession on the 15th day of any calendar month must report his entire supply except what has been actually installed as an operating or holding charge in accordance with his regular manufacturing practice.

b. *Charging of equipment manufacturers.* Paragraph (g) provides that no user, supplier, contract agent, or producer shall deliver, or cause to be delivered, to the owner of any system any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B.

This restriction is intended to prevent charging any system of the types included on List B with chlorinated hydrocarbon refrigerants except for a person who was operating a system and had the necessary refrigerants in his possession on the effective date specified in List B. Therefore, a manufacturer may not charge any such system with chlorinated hydrocarbon refrigerants before delivery, and he may not deliver the refrigerant separately to be used in charging the system. However, he is not restricted from delivering systems which had already been charged with such a refrigerant on the effective date specified on List B.

Issued this 29th day of July, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12275; Filed, July 29, 1943; 11:17 a. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

[Revocation of Limitation Order L-23]

Section 1028.1 *General Limitation Order L-23* is hereby revoked.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12276; Filed, July 29, 1943; 11:16 a. m.]

PART 1171—ELEVATORS

[Interpretation 1 of General Conservation Order L-89 as amended]

The following interpretation is issued with respect to General Conservation Order L-89, as amended.

Paragraph (b) of Order L-89 [§ 1171.1] provides that no person shall accept a "restricted order" or commence manufacture therefor, unless the order has been authorized on Form PD-411, now WPB-1236 (the restriction not applying to deliveries to elevator manufacturers or dealers for resale).

An authorization on PD-411 is not required, under the terms of paragraph (e), for the two classes of orders for maintenance and repair parts described below:

(1) An order for spare or maintenance parts is exempt if the parts inventory of the purchaser is not increased beyond $25.00 for each elevator operated by him and if his total purchases of such parts do not exceed $50.00 for each elevator in any calendar year. This exemption includes small maintenance or replacement parts, even though there may be some change in type, if the parts are necessary to keep the elevator in sound working condition. *Examples:* Replacement of a

worn out gate switch of an obsolete type no longer manufactured, with a gate switch of a different type; or the use of a grease fitting on a bearing to provide proper lubrication.

(2) An order for repair parts in case of an actual breakdown or suspension of operations of an elevator is exempt where the essential repair parts are not available from the owner's inventory of spare or maintenance parts. A suspension of operations may be considered to have occurred if the condition of the cables or of other parts would make it definitely dangerous to continue the operation of the elevator without making the repairs; and such condition may be assumed where the cables or other parts have been condemned pursuant to a state law or municipal ordinance, requiring suspension of operations unless replacement of cables or other parts is made within the period (normally 30 to 90 days) specified on the inspector's report. However, a possible future breakdown cannot be considered within the exemption. Nor can any parts for a change in the existing method of operation or control, or for additions to existing elevators, merely to comply with so-called "Code Requirements", be acquired without authorization on a WPB-1236 (PD-411) Form.

In order to avoid a violation of the restrictions, the seller should satisfy himself that the parts ordered are within the $25.00 and $50.00 exemptions, or are needed for immediate repair due to an actual breakdown or suspension of operations.

The $25.00 and $50.00 limitations refer to the retail sales value of the parts ordered, exclusive of the cost of labor and personal services required for the installation.

A person whose maintenance requirements cannot be adequately met under the exemption of paragraph (e) (1) of the order may submit an application on PD-411 for authorization to obtain a larger quantity of parts.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12277; Filed, July 29, 1943; 11:16 a. m.]

PART 1296—PYRIDINE

[Allocation Order M-185, as Amended July 29 1943]

The order title "Conservation Order M-185" is hereby amended to read "Allocation Order M-185".

Section 1296.1 is hereby amended to read as follows:

§ 1296.1 *Allocation Order M-185*—(a) *Definitions.* For the purpose of this order:

(1) "Pyridine" means the pure chemical known by that name, or any crude or refined mixture of pyridine and its homologues.

(2) "Supplier" means any person who produces pyridine, or who purchases pyridine for resale as pyridine.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier shall deliver pyridine to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) No person shall accept delivery of more than 80 pounds (10 gallons) of pyridine in the aggregate from all suppliers during any calendar month, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(c) *Restrictions on use.* No person shall use pyridine except as follows:

(1) As specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B; or

(2) For any purpose, by any person using 80 pounds (10 gallons) or less of pyridine in the aggregate during any calendar month.

(d) *Exemptions for samples and for refining.* Without the specific authorization required by paragraphs (b) and (c) above:

(1) Any person may accept delivery of and use for experimental purposes, and any supplier may deliver to such person, samples of pyridine in quantities not exceeding 20 pounds (2½ gallons) of any one grade of pyridine in any calendar month; and

(2) Any person may refine pyridine, and any person may deliver or accept delivery of pyridine for the purpose of refining it.

(e) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of pyridine; or

(2) Production of pyridine; or

(3) Preparation and filing of application forms required by Appendices A and B.

(f) *Special provisions for July and August, 1943.* Notwithstanding the provisions of paragraphs (b) and (c), and of Appendices A and B:

(1) During July, 1943, applications for authorization to deliver or accept delivery of pyridine may be made in accordance with the provisions of this order as in effect prior to July 29, 1943;

(2) Any person may, without specific authorization, accept delivery of, and use for the purpose stated in his application to the War Production Board, any pyridine which he received on or before August 31, 1943, or which was in transit to him on that date.

(g) *Notification of customers.* Each supplier is requested to notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Inter-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply only to deliveries to other persons, notwithstanding the provisions of § 944.12 (intra-company deliveries) of Priorities Regulation No. 1, as amended.

(3) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-185.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A: *Instructions to suppliers for filing application for authorization to deliver pyridine.* Each supplier seeking authorization to deliver pyridine shall file application on Form WPB-2946 (formerly PD-601) [1] in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601).[1] Copies of Form WPB-2946 (formerly PD-601) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 18th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-185.

Heading. Under name of chemical, specify pyridine; under War Production Board order number, specify M-185; specify pounds as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated. If the applicant supplier is also filing application on Form WPB-2945 (formerly PD-600) for authorization to use pyridine, he should list his own name as customer.

An aggregate quantity may be requested for delivery on uncertified orders of 80 pounds or less, without listing individual customers.

Specify grade in terms of boiling range (degrees Centigrade).

Rolling stock. Fill in as indicated.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of pyridine not authorized for delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver pyridine on uncertified small orders of 80 pounds or less without application or specific authorization, if he himself acquired the pyridine on such an uncertified small order, or if he acquired it upon application in accordance with Appendix B for the purpose of filling such uncertified small orders.

APPENDIX B: *Instructions for filing application for authorization to use or accept delivery of more than 80 pounds of pyridine per month.* Each person (including any supplier) seeking authorization to use or accept delivery from all suppliers of more than 80 pounds (10 gallons) of pyridine during any calendar month, shall file application on Form WPB-2945 (formerly PD-600)[1] in the manner prescribed therein, subject to

[1] Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

the following instructions for the purpose of this order:

WPB–2945 (formerly PD–600). Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 10th day of the month preceding the month for which authorization for use or acceptance of delivery is sought.

Number of copies. Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier (in which Columns 3 and 4, and Tables II, III and IV may be left blank), and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Reference M–185.

Number of sets. A separate set of application forms shall be submitted for each supplier and for each plant of the applicant.

Heading. Under name of chemical, specify pyridine; under War Production Board order number, specify M–185; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for use or delivery is sought.

Column 1. Specify grade in terms of boiling range in degrees Centigrade (for example, 2 degrees, 4 degrees).

Column 2. Specify separately the quantities (in pounds) required for each primary product and product use specified in Columns 3 and 4 of the application.

Column 3. Specify primary products in terms of the following:

Sulfa drugs (specify).
Vitamins (specify).
Waterproofing agents (specify).
Reagents.
Rubber accelerators.
Other primary products (specify).
Export (as pyridine).
Resale (as pyridine).
Inventory (as pyridine).

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of nicotinic acid, Order M–315).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification or contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for uncertified small orders of 80 pounds or less".

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorizations".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for each grade of pyridine referred to in Column 1 of the application.

Suppliers shall report only quantities of pyridine which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product listed in Column 3 of the application, except those primary products under direct allocation (such as nicotinic acid under Order M–315).

[F. R. Doc. 43–12278; Filed, July 29, 1943; 11:17 a. m.]

PART 3022—SILVER

[Conservation Order M–199 as Amended July 29, 1943]

Section 3022.1 *Conservation Order M–199* is hereby amended to read as follows:

§ 3022.1 *Conservation Order M–199*—(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, semi-fabricated forms of silver, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one percent of silver by weight. The term does not include alloyed gold produced in accordance with U. S. Commerce Standards CS 51–35 and CS 67–38. The term also does not include finished silver products, the value of which is more than twice the value of the silver contained therein. The term includes, however, brazing alloys and solders containing more than one-half of one percent of silver by weight.

(2) "Domestic silver" means any silver which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions.

(3) "Treasury silver" means any silver which has been held or owned by the United States and has been sold pursuant to the provisions of Public Law 137, approved July 12, 1943.

(4) "Foreign silver" means any silver except that which is either domestic silver or Treasury silver. Scrap generated by manufacturers from the processing of domestic silver or Treasury silver shall also be considered to be foreign silver if it does not remain in the ownership of the manufacturer whose processing operations produced it; *Provided, however,* That domestic silver scrap or Treasury silver scrap produced by suppliers in semi-fabricating operations may be sold by such suppliers to manufacturers as domestic silver casting metal or Treasury silver casting metal.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(6) "Manufacturer" means any person who uses silver by incorporating it physically in the finished products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process.

(7) "Supplier" means any person regularly engaged in the business of importing, smelting, or refining silver, or in the business of selling silver to manufacturers and other suppliers. The term includes any person who may import, smelt, or refine silver for his own use as a manufacturer.

(8) "Put into process" means the first change by the manufacturer in the form of the material from that form in which it was received by him. Putting into process does not include minor initial operations such as marking and does not include any alloying, shearing, cutting, trimming, or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection and testing, nor segregation or earmarking for a specific job or operation. The term also does not include the reclaiming and reforming of scrap.

(9) "Process" means cut, draw, machine, stamp, melt, mix, compound, cast, forge, roll, turn, spin, or otherwise shape or change in form or chemical composition. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(10) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knock-down form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. In all other cases, the term "assemble" shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

(11) The term "deliver" shall not be deemed to include a redelivery of silver to the owner thereof, who is a manufacturer, by a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the delivery under the same circumstances by the owner to the person who alloys or processes the silver for the owner.

(12) The term "accept delivery" shall not be deemed to include acceptance of delivery of silver by the owner thereof, who is a manufacturer, from a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include acceptance of delivery under the same circumstances from the owner by the person who alloys or processes the silver for the owner.

(b) *Restrictions upon sale or delivery of silver by suppliers.* (1) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except to

(i) Another supplier; or
(ii) A manufacturer; or
(iii) The United States; or
(iv) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(2) No supplier shall sell or deliver foreign silver to a manufacturer except to fill orders for uses on List A.

(3) No supplier shall sell or deliver Treasury silver to a manufacturer except to fill orders for uses on List C.

(4) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) to any person if he knows or has reason to believe such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon sale or delivery of silver by manufacturers.* No manufacturer shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except to:

(1) A supplier; or

(2) The United States; or

(3) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(d) *Restrictions upon purchase, acceptance of delivery, and processing of foreign silver by manufacturers.*

(1) *Uses on List A.* On and after July 29, 1943, no manufacturer shall purchase, accept delivery of, put into process, or process any foreign silver for any use other than a use on List A.

(2) *Temporary exception.* Notwithstanding the foregoing provisions of this paragraph (d), a manufacturer may continue the processing of any foreign silver which on July 29, 1943, he had already put into process for any use on List B to fill orders rated A–1–a or higher; also, a manufacturer may put into process and process to completion for a List C use any foreign silver owned by him on July 29, 1943, and he may complete the processing of any foreign silver already put into process by him on such date for any such use.

(e) *Restrictions upon purchase, acceptance of delivery, and processing of Treasury silver by manufacturers.* No manufacturer shall purchase, accept delivery of, put into process, or process Treasury silver except for a use on List C.

(f) *Authorization to purchase Treasury silver from the United States.* Purchases of Treasury silver from the United States pursuant to Public Law 137, approved July 12, 1943, shall be made only upon specific authorization of the War Production Board. Any supplier or manufacturer desiring such authorization may apply by letter to the War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Reference: M–199, not later than the 15th day of the month preceding the month in which delivery of the Treasury silver is desired. In such letter the applicant, in addition to other pertinent information, shall state the nature of his business and the intended use of the silver in terms of the uses specified on List C.

(g) *Restrictions upon the purchase, acceptance of delivery, and processing of domestic silver for List B uses.* In any calendar quarter after July 1, 1943, until further notice, no manufacturer shall purchase, accept delivery of, or put into process domestic silver for uses on List B in excess of ⅛ of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by such manufacturer for List B uses during the calendar year 1941 or the calendar year 1942, whichever year is the greater: *Provided, however,* That such manufacturer, in computing his quota of domestic silver under the foregoing provision, shall deduct from the said aggregate amount put into process by him for List B uses for the year 1941 or 1942, as the case may be, the aggregate amount by weight of silver (fine silver content, troy ounces) put into process by him in such year for List B uses to fill orders rated A–3 or higher, and the aggregate amount by weight (fine silver content, troy ounces) of sales made by him in such year of silver scrap or silver waste material resulting from the processing of silver for List B uses, exclusive of orders rated A–3 or higher. In any case where prior to January 1, 1943, a manufacturer furnished silver to another manufacturer under toll agreement to be processed and returned, only the manufacturer who did the actual processing shall be entitled to claim that he put the silver into process for the purpose of computation of domestic silver quotas under the provisions of this paragraph. However, in any case after January 1, 1943, where a manufacturer furnishes silver to another manufacturer under toll agreement to be processed and returned, both the manufacturer who furnishes the silver and the manufacturer who processes it shall be deemed to have put the silver into process for the purposes of this paragraph.

(h) *Special exception as to domestic silver.* The restrictions of this order as to the purchase, acceptance of delivery, and processing of domestic silver for List B uses shall not apply to any manufacturer:

(1) Who manufactures jewelry by the use of hand tools exclusively (that is, without the use of dies, jigs, or molds or any mechanical apparatus whatsoever, such as mechanically operated spinning or turning wheels, or lathes, presses, grinders, or cutters, whether operated by hand, foot, or other power); or

(2) Who meets each and all of the following requirements:

(i) He was engaged in the silver manufacturing business throughout the year 1941;

(ii) His gross receipts in the year 1941 from the sale of silver products did not exceed $25,000;

(iii) He continues to engage in the silver manufacturing business, and to have at all times not more than five persons at one time, excluding all clerical employees, working in such business, each of which persons is either over the age of 50 years or is physically incapacitated from performing ordinary factory labor; and

(iv) His gross sales of silver products for the calendar year 1943 and for each calendar year thereafter do not exceed $35,000 per year.

For a manufacturer to be engaged in the "silver manufacturing business" as the term is used in paragraph (h) (2), at least 75% of the gross receipts of such manufacturer in the year 1941 and succeeding years from products of all kinds sold by him (including products sold but not manufactured by him) shall have been derived from the sale of silver products manufactured by him. A silver product is one in which silver is physically incorporated and in which the amount of contained silver is greater either in weight or in value than any other single material, excluding precious or semi-precious stones, contained in such products.

(i) *Special directions as to distribution of foreign, Treasury, and domestic silver.* From time to time the War Production Board may issue special directions to individual suppliers and manufacturers, specifying the sources, destinations, and amounts of silver (foreign, Treasury, or domestic) to be delivered or acquired by them.

(j) *Restrictions on holding of scrap silver.* (1) No manufacturer shall purchase or accept delivery of silver of any kind (foreign, domestic, or Treasury) if he has on hand more than a thirty days' accumulation of scrap silver, exclusive of wastes, such as mirror wastes, polishings, and sweepings, whether foreign, Treasury, or domestic, or any combination thereof, unless such accumulation aggregates less than 1,000 ounces, fine silver content.

(2) No manufacturer shall have scrap melted, reformed, and redelivered to him under toll agreement if by such redelivery his inventory of silver will be in excess of a minimum practicable working inventory, taking into consideration the orders on his books requiring use of silver and the limitations placed upon the use of silver by this order.

(k) *Fungibility of silver stocks recognized.* Although this order deals with three kinds of silver (foreign, Treasury, and domestic) which are separately defined, and imposes restrictions which vary in their application as among these kinds of silver, it is recognized that all three kinds of silver are physically identical. Accordingly, nothing in this order shall be deemed to require any person holding two or more kinds of silver to keep the various kinds physically segregated. It is also understood that a person who holds only one kind of silver at a particular moment may be called upon to deliver or to use another kind of silver. In such cases, the person holding the one kind of silver may change part or all of his stock of such silver to silver of another kind simply by selling part of his stock to a supplier, ordering an equivalent amount, silver content, of the different kind of silver required for his purposes and paying or receiving the difference in price. For the purposes of this order, physical delivery to the supplier of the silver being sold and physical delivery by the supplier of the different kind of silver being purchased are not required in order to change the character of the silver involved from the kind in stock to the kind being purchased.

The form of the silver can also be disregarded. For example, a manufacturer with partially processed stocks of foreign silver which he cannot finish for List B uses under the restrictions of the order, can purchase domestic silver bars having a silver content equal to the silver content of the partially processed silver, sell those same bars back to the supplier as foreign silver, pay the difference in price, and then consider that the partially processed silver is domestic silver and may be further processed for List B uses as permitted by the order. Any purchasing or processing of domestic silver under the provisions of this paragraph for uses on List B must, however, be within the quota limitations of paragraph (g) hereof. Furthermore, at no time shall any person sell silver of any kind in excess of the amount of silver of that kind, fine silver content, owned by him.

(l) *Use certificate.* No supplier shall deliver any silver (foreign, Treasury, or domestic) to any manufacturer, and no manufacturer shall accept delivery of any silver from any supplier, unless the manufacturer shall have furnished the supplier with a certificate specifying the end use of such silver in terms of the uses specified on List A, List B, and List C. Such certificate may be placed on or attached to the purchase order, and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

Pursuant to Conservation Order M-199, the undersigned hereby certifies to the supplier and the War Production Board that the silver covered by the accompanying order (and all silver purchased from the supplier under orders placed in the future) shall be used solely for the following purposes: ----------

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(Name of purchaser)

Date---------- By----------
(Signature and title of duly authorized officer)

In appropriate cases one certificate may cover the use of silver to be delivered under orders to be placed with such supplier in the future. Such certificate shall constitute a representation to, but shall not be filed with, the War Production Board. The supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(m) *Exceptions*—(1) *United States Government.* None of the restrictions in this order as to sale, purchase, delivery, acceptance of delivery, or use of silver shall be applicable to the United States Government or any of its departments or agencies; provided, however, this exception shall not be deemed to extend to a manufacturer who manufactures items for delivery to or for the account of the United States Government or any of its departments or agencies. An item is not deemed removed from the list of restricted uses simply because it is to be manufactured for delivery to or for the account of the United States Government or any of its departments or agencies.

(2) *Repair.* The restrictions of this order as to the putting into process and the processing of foreign, Treasury, or domestic silver shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use silver weighing in the aggregate more than 3 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair. The term "repair" as used in this paragraph shall include the replating of used articles, provided the article was originally made of silver or silver-plated material.

(n) *Limitations of inventories.* No manufacturer shall accept delivery of silver, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of silver by this order.

(o) *Reports.* Each supplier and each manufacturer and every other person affected by this order shall file such reports as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(p) *Miscellaneous provisions.*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order as to foreign silver shall apply to the use of such material in all items manufactured after July 29, 1942, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1942. The prohibitions and restrictions contained in this order as to domestic silver shall apply to the use of such material in all items manufactured after February 25, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to February 25, 1943. The prohibitions and restrictions contained in this order as to Treasury silver shall apply to the use of such material in all items manufactured on or after July 29, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1943. In so far as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of foreign, Treasury, or domestic silver in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C. Ref: M-199.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A: *Permitted uses of foreign silver under Conservation Order M-199:*

1. Manufacture of medicines and health supplies.
2. Manufacture of photographic film, photographic papers, and photographic chemicals, and use in any photographic process.
3. Manufacture of electrical contacts and other silver products or parts used for electrical current carrying purposes.
4. Manufacture of any product or use in any process to fill orders bearing a preference rating of AA-5 or higher, except uses on List B or List C.

LIST B: *Restricted uses of silver under Conservation Order M-199:*

1. Manufacture of silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vases, cups, candlesticks, and all other kinds of flatware and hollow ware and table, kitchen, and decorative utensils and objects, including silver deposit china or glassware.
2. Manufacture of watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry, and other articles of personal adornment, except push-pins for wrist watches. The term jewelry also includes personal accessories of all kinds such as bags, compacts, vanity cases, cigarette cases, cigarette holders, lighters, souvenirs, cuff links, pins, and clasps.
3. Manufacture of badges and insignia, other than official military insignia.
4. Manufacture of church goods as defined in General Limitation Order L-136.
5. Manufacture of slide fasteners, hooks and eyes, snaps, buttons, clips (except for fountain pens and mechanical pencils), buckles, and fasteners of every description.
6. Manufacture of closures for containers.
7. Manufacture of pens and pencils, except the nibs, interior tubes, filling mechanisms, clips, and reinforcing cap-rings or bands of fountain pens, and the tips, interior operating mechanisms, clips, and reinforcing bands of mechanical pencils.
8. Manufacture of toilet articles and picture frames.
9. Manufacture of musical instruments, except strings for stringed instruments.
10. Electroplating not necessary for operational purposes, except for use in the manufacture and repair of dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.

LIST C: *Permitted uses of Treasury silver under Conservation Order M-199:*

1. Manufacture of engine bearings.
2. Manufacture of official military insignia.
3. Manufacture of brazing alloys.

4. Manufacture of solders.

5. Use of brazing alloys or solders manufactured of Treasury silver in the manufacture of any product or use in any process to fill orders rated AA-5 or higher.

6. Use of brazing alloys or solders manufactured of Treasury silver in making repairs within the limitations of paragraph (m) (2).

INTERPRETATION 1

Conservation Order M-199 imposes certain quota limitations upon the amount of domestic silver which a manufacturer may put into process for restricted uses. In many silver manufacturing processes, a manufacturer starts with a certain amount of silver in primary shapes and ends the operation with a large part of such silver in the form of scrap. It is customary for the manufacturer in these cases to have this scrap melted, rolled, or otherwise processed so as to return it to a primary shape in which it can again be subjected to manufacturing processes. This reforming of the silver scrap in some instances is done by the manufacturer himself, in other instances the work is done by others under toll agreement. The question has been presented as to whether the processing of this reformed scrap must be considered as coming within this meaning of the term "put into process" or whether such processing of reformed scrap shall be considered as only the continuation of a processing operation which began when the manufacturer processed for the first time in any form for a restricted use the specific amount of silver from which such scrap was produced.

It is hereby determined that for the purposes of the quota limitations of Order M-199, the term "put into process" shall be deemed to cover only the manufacturer's first processing for a restricted use of a given amount of silver. It shall not be deemed to cover the subsequent processing of reformed scrap produced therefrom, whether such reforming is done by the manufacturer himself or by others for him under toll agreement. The term shall be deemed to cover, however, the first processing for a restricted use of reformed scrap which was produced in a manufacturing operation which is not restricted under the order.

Domestic silver scrap produced in filling an order rated A-1-a or higher for a restricted use is considered as having been produced in a manufacturing operation which is not restricted under the order. Hence such scrap when reformed can be processed for a restricted use only if within the manufacturer's quota limitations or to fill an order rated A-1-a or higher.

This interpretation supersedes Interpretation 1 of Conservation Order M-199 issued September 1, 1942. (Issued May 10, 1943.)

[F. R. Doc. 43-12279; Filed, July 29, 1943; 11:17 a. m.]

PART 3090—X-RAY EQUIPMENT

[Interpretation 1 of General Limitation Order L-206 as Amended]

The following interpretation is issued with respect to General Limitation Order L-206, as amended.

In Schedule A attached to Order L-206 [§ 3090.1] permitted types of X-ray units are set forth and described. Maximum milliamperages are specified in the descriptions. When a maximum milliamperage is specified for a particular unit, it means that the unit must be one designed to operate at a milliamperage no higher than the figure specified. A unit designed to operate at a higher milliamperage than the specified maximum but which is brought down to the specified maximum by removing certain parts (such as valves) therefrom, will still be regarded as a unit having the milliamperage at which it was originally designed to operate.

This interpretation applies to any transaction taking place under Order L-206, including authorizations on Form PD-556. For example, if a person is granted authority on Form PD-556 to receive a 100 milliampere power unit, his supplier may deliver only a unit designed to operate at a maximum milliamperage of 100 milliamperes and may not deliver a unit designed to operate at 200 milliamperes but which has been brought down to a maximum milliamperage of 100 milliamperes by removing the valves from it.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12280; Filed, July 29, 1943; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 9 to CMP Regulation 5]

RELATIONSHIP BETWEEN CMP REGULATION NO. 5 AND CONSERVATION ORDER L-41

The following interpretation is issued with respect to CMP Regulation 5.

(a) Order L-41 requires War Production Board authorization before beginning any construction work except in those cases where the order expressly states that authorization is not necessary.

(b) CMP Regulation No. 5 (§ 3175.5) may not be used to get materials or products for any construction work of the type which requires authorization under Order L-41, unless the authorization specifically says that CMP Regulation No. 5 may be used.

(c) In those cases where specific War Production Board authorization is not required before beginning construction, and where the materials needed for the construction cost no more than $500, CMP Regulation No. 5 may be used to buy materials and products needed for the construction.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 43-12281; Filed, July 29, 1943; 11:18 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M-319 as Amended July 29, 1943]

MANUFACTURED CRUDE ABRASIVE AND ABRASIVE GRAIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manufactured crude abrasive and abrasive grain for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3274.91 *Conservation Order M-319* —(a) *Definitions.* For the purpose of this order:

(1) "Manufactured crude abrasive" means silicon carbide or fused aluminum oxide. Unfused or levigated alumina, and natural abrasives such as emery, garnet, corundum, and flint are not subject to this order.

(2) "Silicon carbide" means that product which results from combining silica and coke in a resistance-type electric furnace.

(3) "Fused aluminum oxide" means that product resulting from the fusion of alumina, or the fusion and purification of bauxite in an electric furnace, reduced by sledging or crushing to ungraded lumps or fine particles.

(4) "Abrasive grain" means:

(i) Any manufactured crude abrasive which has been classified as to particle size by mechanical, hydraulic, pneumatic, or other methods, and

(ii) Abrasive optical finishing powders, abrasive flours, blasting grain, reclaimed grain, refractory grain, firesand, and other manufactured abrasive and refractory grain specialties, whether or not classified as to particle size.

(5) "Abrasive optical finishing powders" means abrasive grain classified in standard sizes containing a maximum concentration of particles of a particular size within the over all range of 22½ to 4 microns inclusive, which produces a uniform grain depth pattern or mat finish on glass so that successive operations with rouge produce an optical finish.

(6) "Reclaimed grain" means:

(i) Any abrasive grain recovered from wheel stubs or other baked or fired abrasive or refractory stock, including lathe room turnings and dressings. The term does not include green shavings,

(ii) Any abrasive grain recovered from coated abrasive products,

(iii) Any abrasive grain previously used in grain form or on wheels, in blasting, grinding, or polishing operations.

(7) "Producer" means any person who produces manufactured crude abrasive or abrasive grain.

(8) "Importer" means any person who imports manufactured crude abrasive or abrasive grain from sources outside the United States.

(9) "Branch outlet" means any branch store, branch warehouse, or other direct agent of a producer or importer, used for purposes of distributing manufactured crude abrasive or abrasive grain.

(10) "Distributor" means any purchaser of manufactured crude abrasive or abrasive grain for purposes of resale without further processing.

(11) "Ultimate consumer" means any purchaser of manufactured crude abrasive or abrasive grain other than a distributor.

(12) "Period of authorization" means the period in which any producer or importer is authorized to use, and any person is authorized to accept delivery of manufactured crude abrasive or abrasive grain pursuant to authorization on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain). Each period of authorization shall be of two calendar months' duration. The first period of authorization shall be for the months of July and August 1943; the second period shall be for the months of September and October, 1943, etc.

(b) *Restrictions on use and delivery of manufactured crude abrasive and abrasive grain.* (1) Except as permitted by paragraph (d) of this order on and after July 1, 1943, notwithstanding any con-

tract, agreement or preference rating to the contrary:

(i) No producer or importer shall himself use, and no producer, importer, branch outlet, or distributor shall deliver to any person any manufactured crude abrasive or abrasive grain except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain); and

(ii) No person shall accept delivery of any manufactured crude abrasive or abrasive grain, except pursuant to specific authorization granted by the War Production Board on Form WPB 2779 [Form PD 888] (manufactured crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain).

(2) An order which has been authorized by the War Production Board on Form WPB 2779 [Form PD–888] (manufactured crude abrasive) or Form WPB–2781 [PD–886] (abrasive grain) must be accepted by the producer, importer, branch outlet, or distributor, and the producer, importer, branch outlet, or distributor must make delivery under it unless it does not meet his regularly established prices and terms (in accordance with Priorities Regulation No. 1): *Provided, however,* That within any given two-month period of authorization, delivery of orders for manufactured crude abrasive or abrasive grain may be scheduled without regard to preference ratings in the sequence best suited to maximum production and customers' needs. For the purposes of this order, delivery shall be deemed to have been made when the bill of lading covering the particular shipment has been signed by the carrier.

(3) No producer or importer authorized to use, and no person authorized to accept delivery of abrasive grain by an authorization on Form WPB–2781 [Form PD–886] shall use such abrasive grain for any purposes other than the purposes authorized on said Form WPB–2781 [Form PD–886] except as otherwise specifically directed by the War Production Board.

(4) Notwithstanding any other provisions of this order, on and after July 1, 1943, no person shall purchase or accept delivery of any abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size 80 or coarser for use as loose grain for any of the purposes listed on Schedule A hereto attached, nor shall any person sell, transfer, or deliver any such abrasive grain which he knows or has reason to believe is intended for use as loose grain for any of the purposes listed on said Schedule A.

(c) *Applications for authorization.* (1) Any producer or importer who desires to use, and any person who desires to accept delivery of, manufactured crude abrasive during the months of July and August, 1943 (which constitute the first period of authorization) shall apply on or before June 15, 1943, for authorization to use or accept delivery of that quantity of manufactured crude abrasive which will be required by the applicant during the months of July and August, 1943. Thereafter, on or before August 10, 1943, and on or before the 10th day of the month preceding each subsequent two-month period of authorization, any producer or importer who desires to use, and any person who desires to accept delivery of manufactured crude abrasive during such subsequent two-month period of authorization, shall apply for authorization to use or accept delivery of that quantity of manufactured crude abrasive which will be required by the applicant during such subsequent period of authorization. All applications for authorization to use or accept delivery of manufactured crude abrasive shall be made on Form WPB 2779 (Form PD 888) in the manner prescribed therein. Copies of Form WPB 2779 (Form PD 888) may be obtained at local Field Offices of the War Production Board.

(2) Except as provided in paragraphs (c) (3), (d) (1), and (d) (2) of this order, any producer or importer who desires to use, and any person who desires to accept delivery of, abrasive grain during the months of July and August, 1943 (which constitute the first period of authorization) shall apply on or before June 10, 1943, for authorization to use or accept delivery of that quantity of abrasive grain which will be required by the applicant during the months of July and August, 1943. Thereafter, except as provided in paragraphs (c) (3), (d) (1), and (d) (2) of this order, on or before August 1, 1943, and on or before the 1st day of the month preceding each subsequent two-month period of authorization, any producer or importer who desires to use, and any person who desires to accept delivery of, abrasive grain during such subsequent two-month period of authorization, shall apply for authorization to use or accept delivery of that quantity of abrasive grain which will be required by the applicant during such subsequent period of authorization. All applications for authorization to use, or accept delivery of, abrasive grain shall be made on Form WPB 2781 (Form PD 886) in the manner prescribed therein. Copies of Form WPB 2781 (Form PD 886) may be obtained at local Field Offices of the War Production Board.

(3) In the event that an ultimate consumer desires to buy abrasive grain from a distributor or branch outlet during any period of authorization, the ultimate consumer shall apply on or before the first day of the month preceding the period of authorization in which delivery is required in the manner prescribed in Form WPB 2781 [Form PD 886]. No further application by the distributor or branch outlet shall be required for such abrasive grain, but the War Production Board, when acting on such ultimate consumer's application, will simultaneously grant or deny to such distributor or branch outlet authorization to accept delivery for, and to redeliver to, such ultimate consumer.

(4) Failure by any person to file an application pursuant to the provisions of this paragraph (c) may be construed as notice to the War Production Board that such person does not desire authorization to use, or accept delivery of, manufactured crude abrasive or abrasive grain, as the case may be, in the period of authorization for which such application is required.

(5) Whenever any order for manufactured crude abrasive or abrasive grain, previously authorized on Form WPB 2779 [Form PD–888] (manufacturer crude abrasive), or Form WPB 2781 [PD 886] (abrasive grain), is cancelled, the producer, importer, branch outlet, or distributor, with whom such order was placed, shall immediately notify the War Production Board of such cancellation.

(d) *Small grain order exemptions.* (1) Any producer or importer who has not been specifically authorized on Form WPB 2781 [Form PD 886] to use, and any ultimate consumer who has not been specifically authorized on Form WPB 2781 [Form PD 886] to accept delivery of, abrasive grain during any given two-month period of authorization may use or accept delivery of a small quantity of abrasive grain during such two-month period of authorization without specific authorization on Form WPB 2781 [Form PD 886]: *Provided, however,* That in no event shall the total quantity of abrasive grain used by such producer or importer, or accepted by such ultimate consumer from all sources during such two-month period of authorization without authorization on Form WPB 2781 [Form PD 886], exceed the following maximum amounts:

(i) A quantity of abrasive grain manufactured from silicon carbide (other than abrasive optical finishing powders) having a value of $350 list price; and/or

(ii) A quantity of abrasive grain manufactured from fused aluminum oxide (other than abrasive optical finishing powders) having a value of $225 list price, and/or

(iii) A quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide having a value of $100 list price.

(2) Subject to the inventory limitations contained in paragraph (f) of this order, any branch outlet or distributor may accept delivery of abrasive grain for stock to fill small orders therefor, pursuant to paragraph (d) (1) of this order. No specific authorization on Form WPB 2781 [Form PD 886] shall be required for such branch outlet or distributor to accept delivery of such abrasive grain, but each order for such abrasive grain placed by a branch outlet or distributor with a producer, importer, or another branch outlet, must be accompanied by a certification by such branch outlet or distributor, signed manually, or as provided by Priorities Regulation No. 7, substantially as follows:

The abrasive grain specified on this purchase order is required by the undersigned for stock to fill small orders pursuant to paragraph (d) (1) of Conservation Order M-319, with the terms of which the under-

signed is familiar. Delivery of this order will not increase the undersigned's inventory of the specified sizes and types of abrasive grain beyond a supply required under the undersigned's current practices for resale on such small orders during a period of sixty days.

(Name and address of distributor or branch outlet)

By_____

(Authorized signature)

(3) Any producer, importer, branch outlet, or distributor, may deliver a quantity of abrasive grain manufactured from silicon carbide, other than abrasive optical finishing powders, not to exceed $350 list price in value, and/or a quantity of abrasive grain manufactured from fused aluminum oxide, other than abrasive optical finishing powders, not to exceed $225 list price in value, and/or a quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide not to exceed $100 in value, to any person without specific authorization on Form WPB–2781 [Form PD–886], and any producer, importer, or branch outlet may deliver to any branch outlet or distributor abrasive grain on orders placed pursuant to paragraph (d) (2) of this order and accompanied by the certification required by said paragraph: *Provided,* That:

(i) The total quantity of abrasive grain (other than abrasive optical finishing powders), delivered by any producer or importer without specific authorization pursuant to this paragraph (d) (3) during any two-month period of authorization, shall not exceed 5 per cent of such producer's or importer's estimated total tonnage production and/or purchases of such abrasive grain for such period, and

(ii) The total quantity of abrasive optical finishing powders manufactured from silicon carbide or fused aluminum oxide delivered by any producer or importer without specific authorization pursuant to this paragraph (d) (3), during any two-month period of authorization, shall not exceed 5 per cent of such producer's or importer's estimated total tonnage production and/or purchases of such abrasive optical finishing powders for such period.

The percentage limitations established above may be applied by any producer or importer on a size by size or an overall basis at his election.

(e) [Revoked July 1, 1943]

(f) *Limitation on inventories.* On and after June 1, 1943, no person other than a producer or importer shall purchase or accept delivery of any size and type of abrasive grain if his inventory thereof is, or will by virtue of such purchase or acceptance become, greater than the quantity of such size and type of abrasive grain which will be required under his current practices for use or resale during a period of sixty days: *Provided, however,* That the delivery of abrasive grain pursuant to the following designated types of purchase orders shall be permitted to effect such an increase;

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for abrasive grain required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(g) *Proposed production and importation schedule to be filed.* On or before June 15, 1943, and bi-monthly thereafter on or before the 10th day of each alternate succeeding calendar month, each producer or importer shall file with the War Production Board his proposed schedule of production and importation of manufactured crude abrasive and/or abrasive grain for the next succeeding two calendar months. Proposed schedules for the production and importation of manufactured crude abrasive shall be filed on Form WPB 2782 (Form PD 885) in the manner prescribed therein. Proposed schedules for the production and importation of abrasive grain shall be filed on Form WPB 2780 (Form PD 887) in the manner prescribed therein.

(h) *Other allocation and scheduling directions.* Notwithstanding any other provisions of this order, the War Produc- Board may at any time:

(1) Direct the return or cancellation of any order for manufactured crude abrasive or abrasive grain;

(2) Direct or change any schedule of production or delivery of manufactured crude abrasive or abrasive grain;

(3) Allocate orders for manufactured crude abrasive or abrasive grain placed with one person to another person;

(4) Revoke any authorization to use or accept delivery of manufactured crude abrasive or abrasive grain, granted pursuant to this order;

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production, use, or delivery of, manufactured crude abrasive or abrasive grain.

(i) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of manufactured crude abrasive and abrasive grain shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single integrated enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(j) *Notification to customers.* Each producer, importer, branch outlet, or distributor shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but failure to give or receive such notice shall not excuse any such person from complying with the terms hereof. All applications required by this order shall be filed by the dates specified herein notwithstanding the dates mentioned on the application forms.

(k) *Reports.* All producers, importers, branch outlets, or distributors, affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time request, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(l) *Applicability of regulations.* All transactions affected by this order are subject to applicable provisions of the regulations of the War Production Board as amended from time to time.

(m) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Tools Division, Washington 25, D. C. Ref: M–319.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Item 3 amended July 29, 1943.

The use of abrasive grain manufactured from fused aluminum oxide (other than reclaimed grain) of any grit size of 80 or coarser for the following purposes is prohibited:

1. Blasting or polishing operations for all stone and monumental work.
2. Lithographic plate graining.
3. Glass grinding, except roughing operations on optical lenses and other precision optics.
4. Hulling operations.
5. Non-slip purposes, including non-slip treads of all kinds, non-slip cement or concrete, phenolic resin non-slip paint, non-slip surfaces for air or watercraft, etc.

[F. R. Doc. 43-12282; Filed, July 29, 1943; 11:18 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT[1]

[Supplementary General Limitation Order L–23–c as Amended July 29, 1943]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

Section 1028.4 *Supplementary General Limitation Order No. L–23–c* is hereby amended to read as follows:

[1] Formerly Part 1028, § 1028.4.

§ 3288.66[1] *Supplementary General Limitation Order No. L-23-c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cook stoves, and hot plates for household use; coal and wood ranges and cook stoves (including laundry stoves except water jacketed and permanently built-in coil types) for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) except electrical, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any above the floor devices (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts, and includes, but is not limited to, circulating, radiant and portable heaters and trailer and caboose stoves. Domestic heating stoves shall not include floor or wall furnaces.

(3) "New domestic cooking appliances and domestic heating stoves" means any such appliances or stoves which have never been used by an ultimate consumer.

(4) "Accessories" means aprons, thermostats, high closets, high shelves, clocks, broiler pans other than iron or steel, storage compartments, thermometers, and any other instruments, attachments, or appurtenances (except top-burner lighters) for domestic cooking appliances not essential to any of the following three major cooking operations: top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal of the unit.

(6) "Fuel oil" means any liquid petroleum product commonly known as fuel oil including Numbers 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil or any other liquid petroleum product used for the some purposes as the above designated grades.

(7) "Base period" means the 12 months period from July 1, 1940 to June 30, 1941.

(8) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(9) "Class A producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $2,000,000 or more.

(10) "Class B producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(11) "Class C producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(12) "Producer" means any person who during the base period manufactured, fabricated or assembled any domestic cooking appliances or domestic heating stoves.

(b) *General restrictions.* (1) No person except a producer shall manufacture, fabricate or assemble any domestic cooking appliances or any domestic heating stoves.

(2) No person shall manufacture, fabricate or assemble any domestic cooking appliance or domestic heating stove except from materials in inventory on July 29, 1943, or the acquisition and use of which is specifically authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise. In authorizing the manufacture of domestic cooking appliances and domestic heating stoves the War Production Board will, in general, authorize Class C producers to produce the types they normally fabricate up to 100% of their base period unit production before authorizing the manufacture of any of the same types by Class A and Class B producers; *Provided, however,* That during the period from July 1, 1943 to June 30, 1944 the total number of units of each type authorized for production by all producers will not exceed the percentages of total unit production specified in Schedule A attached.

(3) No producer shall manufacture, fabricate or assemble any domestic cooking appliances (other than combination ranges) or domestic heating stoves, except in those fuel types which he manufactured, fabricated or assembled during the base period; but this provision shall not apply to such appliances or stoves manufactured, fabricated or assembled for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States, or for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55 or any Order in the P-19 series.

(4) No producer shall manufacture, fabricate, or assemble any domestic cooking appliances, except those listed in Schedule B attached, and then only in accordance with the maximum weights, numbers of models or sizes and description of types set forth in such table; and no person shall manufacture, fabricate or assemble any accessories or incorporate them into any domestic cooking appliances.

(5) No person shall manufacture, fabricate or assemble any domestic heating stoves except those listed in Schedule B attached, and then only in accordance with the numbers of models and BTU capacities set forth therein.

(6) No producer shall

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use; or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel; or

(iii) Use any "bright work", "bright finish", metal finish, or trim containing copper, nickel, chrome, or aluminum or other alloy in the production of domestic cooking appliances or domestic heating stoves; or

(iv) Use any alloy steel in the production of domestic cooking appliances or domestic heating stoves except for valves.

(7) No producer shall substitute steel for cast iron in the manufacture, fabrication of assembly of any model of domestic cooking appliance or domestic heating stove which he manufactured, fabricated or assembled prior to July 29, 1943.

(8) No producer shall manufacture, fabricate or assemble any steel coal or wood range or cook stove who did not manufacture, fabricate or assemble such ranges or stoves during the period July 1, 1940 to July 29, 1943.

(c) *Exceptions.* (1) Nothing in paragraph (b) (4) or (b) (5) shall restrict the manufacture, fabrication or assembly of trailer or caboose stoves.

(2) Domestic cooking appliances or domestic heating stoves which do not conform to the provisions of paragraph (b) (4) or (b) (5) may be manufactured, fabricated or assembled to specifications for the account of or for delivery to the Army, Navy, Maritime Commission or War Shipping Administration of the United States, or to specifications for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55, or any Order in the P-19 series: *Provided,* That a prior request be made to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., by letter, and approved in writing.

(3) Notwithstanding any restrictions in this order, concerning use of metals, accessories, weight per unit, numbers of models, or sizes or types, until October 27, 1943, any producer may manufacture, fabricate or assemble any domestic cooking appliance or any domestic heating stove provided that he has in his inventory, on July 29, 1943, fabricated iron or steel parts of any such appliance or stove which total at least 50% of the total weight of iron and steel which such appliance or stove would contain when completely assembled.

(d) *Sales restricted to rationed or rated transactions.* On and after September 1, 1943 no person may sell or deliver a new domestic cooking appliance or a new domestic heating stove unless the transaction either (1) is rated A-10 or better or (2) is made pursuant to a rationing order of the Office of Price Administration.

(e) *Repair parts.* Nothing in this order shall prohibit or restrict the manu-

[1] Formerly Part 1028, § 1028.4.

facture or shipment of repair parts for domestic cooking appliances or domestic heating stoves.

(f) *Reports.* Each producer shall execute and file with the War Production Board, such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Applicability of priorities regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other orders heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref.: L-23-c.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Percentage of total unit production by all producers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances:	
1. Gas ranges and cook stoves	40
2. Combination, bungalow and kitchen heater ranges	40
3. Coal and wood ranges and cook stoves	100
4. Fuel oil ranges and cook stoves	40
5. Coal and wood laundry stoves	100
6. Gas hot plates	75
7. Portable and drum ovens	75
Domestic heating stoves:	
1. Gas fired heaters	75
2. Oil fired heaters	40
3. Coal and wood heaters	100

SCHEDULE B

Appliance	Maximum weight of iron and steel permitted in finished product (pounds)	Maximum number of models or sizes permitted	Types
1. Gas ranges	100	2	One to have 3 top burners, broiler optional. One to have 4 top burners with broiler and bake oven.
2. Gas hot plates	15 iron (no steel permitted)	3	1-1 burner, 1-2 burner, 1-3 burner.
3. Coal or wood ranges and cook stoves.	Average unit-weight of any producer's production in any calendar quarter not to exceed 85% of such average unit weight during the base period.	8	2 steel ranges or cook stoves. 3 cast iron ranges. 3 cast iron cook stoves (At least one steel range or cook stove one cast iron range and one cast iron cook stove manufactured by any producer shall be the lightest of each in his line).
4. Gas and coal or wood combination ranges.	Lightest in producer's line from July 1, 1940 to ----------, 1943.	1	
5. Bungalow or kitchen heater range (gas and coal or wood).	350	1	
6. Fuel oil ranges	90	2	1-3 top burner range with bake oven. 1-2 top burner range with bake oven.
7. Fuel oil stoves	45	2	1-2 burner stove. 1-3 burner stove.
8. Fuel oil table stoves	18	3	1-1 burner stove. 1-2 burner stove. 1-3 burner stove
9. Laundry stoves		6	4-2 hole stoves. 2-1 hole stoves. (1-2 hole stove and 1-1 hole stove manufactured by any producer shall be the lightest of each in his line.
10. Portable ovens		2	1 single oven. 1 double oven.
11. Drum ovens		1	

Stoves	Number of models or sizes permitted	Maximum of models or sizes permitted in BTU capacities per hour
1. Gas Radiant	10	2—12,000 or less input. 2—12,001 to 20,000 input. 2—20,001 to 30,000 input. 2—30,001 to 45,000 input. 2—over 45,000 input.
2. Gas circulating	6	2—30,000 or less input. 2—30,001 to 50,000 input. 2—over 50,000 input.
3. Fuel oil portable (ball type)		
4. Fuel oil circulating	2	2—30,000 or less output.
5. Cast iron or steel coal	10	
6. Sheet steel wood stoves	6	

[F. R. Doc. 43-12283; Filed, July 29, 1943; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[Conservation Order M-103, as Amended July 29, 1943]

DYESTUFFS AND ORGANIC PIGMENTS

§ 3290.266 [1] *Conservation Order M-103*—(a) *Definitions.* For the purposes of this order:

(1) "Dyestuffs" means any organic or partially organic coloring matter. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.

(2) "Class A dyestuffs" means the anthraquinone vat dyes appearing on List A attached hereto.

(3) "Class B dyestuffs" means all anthraquinone vat dyes other than those appearing on said List A. The term includes Fast Red A. L. Salt, which shall be considered an anthraquinone vat dye of single strength.

(4) "Class C dyestuffs" means all anthraquinone dyes other than anthraquinone vat dyes.

(5) "Class D dyestuffs" means all other dyestuffs, except:

[1] Formerly Part 1162, § 1162.1.

(i) Those derived from vegetable or animal sources;

(ii) Lithol Red CI 189, Azo Bordeaux CI 88, Alphanaphthylamine Maroon CI 82 or Pigment Green B; or

(iii) Dyestuffs certified under the provisions of the Federal Food, Drug and Cosmetic Act (Ch. 9, Title 21, U. S. Code) and sold and used exclusively for use in food, drugs and cosmetics, as defined in said Act.

(6) "Value" means the dollar value computed from the domestic consumer's contract sales price as of January 1, 1943.

(7) "United States" means the 48 States, the District of Columbia and the Territory of Alaska.

(b) *Restrictions on delivery*—(1) *Class A.* No person shall deliver or accept delivery of any Class A dyestuffs, except for export within the limitations prescribed in paragraph (c) (*Restrictions on export*) and except as provided in paragraph (d) (*General exceptions*).

(2) *Class B, C and D quotas.* Except as provided in paragraph (d) (*General exceptions*), no person shall, in any calendar quarter, deliver or accept delivery of any Class B, C or D dyestuffs for use in the United States or Canada, in excess of the quantities specified in the following schedule:

May deliver	*May accept delivery*
Class B 15% of combined amount of Class A and B dyestuffs delivered to all persons in 1941.	15% of combined amount of Class A and B dyestuffs received from all sources in 1941.
(For the purpose of Class B quota, calculate in pounds of equivalent single strength Anthraquinone vat dyes. The poundage may be increased to equal 25 or a multiple thereof.)	
Class C 15% of value of Class C dyestuffs delivered to all persons in 1941.	$100, or 15% of value of Class C dyestuffs received from all sources in 1941, whichever is higher.
Class D 15% of value of Class D dyestuffs delivered to all persons in 1941.	$100, or 15% of value of Class D dyestuffs received from all sources in 1941, whichever is higher.
(For the purpose of Class D quota, in determining the value of dry and wet dispersions of organic pigments, only the organic pigment content for such dispersions shall be considered and it shall be based on the value of a comparable dry pigment.)	

(3) *Quota adjustments.* For the purpose of the Class B, C and D quotas, referred to in the above schedule:

(i) *Use by producer.* Amounts of dyestuffs which are or have been used by a producer in any calendar quarter or in 1941, shall be considered as having been delivered to such person in such quarter or in 1941, as the case may be.

(ii) *Credit for returned dyestuffs.* Amounts of dyestuffs returned to a vendor prior to the 22nd day after the end of the calendar quarter in which they were delivered, shall not be charged as delivered or accepted.

(iii) *Carry-over of undelivered quota.* Amounts of dyestuffs which a person may deliver or accept which have not been delivered or accepted in any calendar quarter, may be delivered or accepted prior to the 22nd day after the end of such quarter.

(c) *Restrictions on exports*—(1) *General restrictions.* No producer shall export or deliver for export from the United States to any place other than Canada any dyestuffs produced by him, except either upon orders accompanied by individual export licenses issued by the Office of Economic Warfare (the applications for which show thereon the corresponding current domestic sales price of such dyestuffs) or upon orders from an agency of the United States for delivery pursuant to the Act of March 11, 1941, as amended, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act). The total value, exclusive of the exceptions provided in paragraph (d), of dyestuffs so exported or delivered in any quarter shall not exceed:

(i) ¾ of 1% of the total value of all dyestuffs delivered by him in 1941 plus

(ii) 15% of the total value of dyestuffs exported or delivered for export by him from the United States to all places other than Canada in 1941.

(2) *Further restrictions on Class A, B and C.* The amount of dyestuffs, exclusive of the exceptions provided in paragraph (d), produced by him which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter, shall not exceed:

(i) As to Class A dyestuffs, ¾ of 1% of the total value of all Class A dyestuffs delivered by him in 1941;

(ii) As to a total of Class A, B and C dyestuffs, 2% of the total value of all Class A, B and C dyestuffs delivered by him in 1941.

(3) *Carry-over of undelivered portion of export quota.* Amounts of any dyestuffs which a producer may export or deliver for export from the United States to all places other than Canada in any calendar quarter and which are not exported or delivered in such quarter, may be carried over to the following quarter and increase to that extent the quota for such class in the subsequent quarter. For the purposes of this subparagraph (3), all dyestuffs, other than Class A, B or C, shall be considered one class.

(d) *General exceptions.* The restrictions in subparagraphs (1) and (2) of paragraph (b) (*Restrictions on delivery*) and the restrictions in paragraph (c) (*Restrictions on export*) shall not apply to the delivery or acceptance of delivery of dyestuffs—

(1) To or by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the United States Post Office, the Government Printing Office, the Bureau of Engraving and Printing or the Government of Canada;

(2) For ultimate delivery to any of the agencies mentioned in subparagraph (1) of this paragraph (d), or for use, to the extent specified in the prime contract, in the manufacture of any item which is being produced for any of said agencies;

(3) For use in the manufacture of officers' uniform materials for officers' uniforms as defined in Preference Rating Order P-131, as amended from time to time;

(4) Between or among producers and exclusive sales agents of producers;

(5) For coloring gasoline and tractor fuels;

(6) For chemical indicators or bacteriological stains;

(7) For medicinal, therapeutic or diagnostic uses;

(8) For redyeing used apparel or used household furnishings;

(9) For ultimate delivery to or by a retailer (who for this purpose means one who sells dyestuffs and other merchandise directly to the general public for its consumption, e. g., a general store, a drug store, etc.) of dyestuffs in containers not exceeding 8 ounces in content; or

(10) To replace in inventory amounts which, although not acquired for any of the uses referred to in any of the subparagraphs of this paragraph (d), were nevertheless used for one or more of such purposes.

Provided, That all deliveries of dyestuffs exempted from the restrictions of said paragraphs (b) and (c) by subparagraphs (2), (3), (4), (5), (6), (7), (8) or (10) of this paragraph (d) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the dyestuffs to be delivered on the annexed purchase order will be used for one or more of the purposes specified in paragraph (d) of Conservation Order M-103, or will replace inventory so used.

(e) *Treatment of mixtures.* In the case of physical mixtures of different classes of dyestuffs containing a component or components of one class to the extent of at least 90% of the value of such mixture, such mixtures shall be considered as belonging to the class to which said component or components belong. In the case of all other physical mixtures of dyestuffs, the classes of components shall be considered separately.

(f) *Restrictions on use of specific dyestuffs.* No person shall use any:

(1) Meta-toluylene diamine (including Amanil Developer B, Pontamine Developer TN, Developer D, Developer DB, Developer MT, Developer MTD or Developer TD) in the developing of diazotized dyes already present on textile fibers. This provision shall not prohibit the use of such Meta-toluylene diamine in the manufacture of dyestuffs.

(2) Anthraquinone in any physical form in discharging (including color and white discharge), stripping or destroying naphthol (azoic), vat or other dyes already present on textile fibers. This provision shall not prohibit the use of Anthraquinone in the manufacture of dyestuffs.

(3) Annato or annato extracts for coloring any materials other than food products.

(f-1) *Further restrictions.* No producer of or dealer in dyestuffs shall produce or deliver dyestuffs and no person shall commercially accept delivery of dyestuffs or use the same, contrary to any specific direction which may be issued from time to time by the War Production Board.

(g) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person shall accept delivery of any Class A dyestuffs which will increase his inventory thereof beyond an amount which, to the best of his knowl-

edge and belief, will be used by him in the next 45 days.

(h) *General prohibitions.* No person shall deliver or accept delivery of any dyestuffs, if he knows, or has reason to believe, such material is to be used or is to be delivered or accepted in violation of the terms of this order.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications to the War Production Board.* All communications concerning this order, shall, unless otherwise directed in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: M–103.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

PART I—TECHNICAL NAMES

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097
5. Khaki 2G Pr 122.
6. Olive T.
7. Olive GGL.
8. Olive green B.
9. Yellow 3RD.

PART II—TRADE NAMES

Amanthrene olive R CI 1150.
Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTD CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G Pr 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg. golden orange RRT CI 1097.
Carbanthrene khaki 2G Pr 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA Pr 122.
Indanthrene khaki 2GF Pr 122.
Indanthrene khaki 2GWP Pr 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene yellow 3RD.
Indanthrene olive T.
Ponsol brown AG CI 1152.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G Pr122.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

[F. R. Doc. 43–12284; Filed, July 29, 1943; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Hotels and Rooming Houses,[1] Amdt. 2]

RENTING TO FAMILY IN LANDLORD'S RESIDENCE

Section 6 (d) (5) is added to the Rent Regulation for Hotels and Rooming Houses to read as follows:

(5) *Renting to family in landlord's residence.* A family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any person within such residence other than those in the one family.

This amendment shall become effective August 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12223; Filed, July 28, 1943; 4:33 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing,[2] Amdt. 3]

RENTING TO FAMILY IN LANDLORD'S RESIDENCE

Section 6 (c) (4) is added to the Rent Regulation for Housing to read as follows:

(4) *Renting to family in landlord's residence.* The provisions of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 28th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12224; Filed, July 28, 1943; 4:33 p. m.]

PART 1408—GLASS AND GLASS CONTAINERS

[MPR 382,[1] Amdt. 2]

WIDE MOUTH GLASS CONTAINERS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 382 is amended in the following respects:

Section 1.10 (d) and (e) is added to read as follows:

(d) *Application for classification as a new producer of wide mouth glass containers*—(1) *When appropriate.* Whenever it has been certified by the War Production Board or the War Foods Administration or other responsible governmental agency that a shortage exists or threatens to exist in the essential supply of wide mouth glass containers, and when it appears that production of such containers can be secured to alleviate that shortage, and that such production would be the output of productive capacity not ordinarily employed in the production of wide mouth glass containers, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, adjust the maximum prices of the output of such new productive capacity as stated below.

(2) *Submission of applications.* Every application submitted under this paragraph shall include evidence demonstrating the following:

(i) That no wide mouth glass containers were manufactured in the plant for which relief is requested under this paragraph in the six-month period July 1 through December 31, 1942;

(ii) That the total cost to manufacture and sell wide mouth glass containers in that plant will exceed the applicable maximum prices set forth in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation;

(iii) That the excess of the maximum prices applied for by that plant over the applicable maximum prices set forth in

[1] 8 F.R. 7334, 9019.
[2] 8 F.R. 7322, 9020.

*Copies may be obtained from the Office of Price Administration.
[1] 8 F. R. 6275, 8839.

sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation will not be passed on to purchasers in the first sale of any commodity as packaged in the container and that the requested increase, if granted, will not be made the basis of an application to the Office of Price Administration by the seller of such packaged commodity to increase his selling price. The applicant shall submit a statement from the buyer certifying to those facts.

(iv) That reports will be made by the applicant plant to the Office of Price Administration at such intervals and containing such data as may be specified in the order granting relief under this paragraph.

(3) *Relief.* The following shall be the maximum relief granted under this paragraph:

(i) Where it appears to the Price Administrator that the reasonably estimated total cost to manufacture and sell wide mouth glass containers in a plant duly authorized under this paragraph exceeds the applicable prices set forth in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation, the maximum relief granted shall be to allow that plant to use such costs as its maximum price, but such price shall not exceed the applicable prices in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation by more than 15 percent of those applicable prices.

The "total cost to manufacture and sell" wide mouth glass containers, for the purpose of this paragraph, shall include the costs of batch materials, fuel, power, direct and indirect labor, cartons, royalties, depreciation charges, maintenance and repairs expense, taxes (not including Federal and state income taxes), other factory overhead, freight from plant to purchasers' destination and the general, administrative, and selling expenses allocated to plant operations.

(ii) Where it appears to the Price Administrator that the aggregate of the reasonably estimated factory cost of production in that plant and the actual freight to the destination from that plant is equal to or greater than an amount 15 percent more than the applicable prices set forth in sections 5.1 (a) and (b) and 5.2 (a) and (b) of this regulation, the maximum relief granted shall be to permit that plant to use as its maximum prices the aggregate of such factory cost of production and actual freight charge.

The "factory cost of production," for the purpose of this paragraph, shall include the costs of batch materials, fuel, power, direct and indirect labor, cartons, royalties, depreciation charges, maintenance and repairs expense, taxes (not including Federal and State income taxes), and other factory overhead.

Classification may be had under this paragraph only on a specific and express authorization by the Price Administrator. This authorization will state the extent to which relief has been granted and will specify what information must be submitted by the applicant plant in reports to be submitted by it to the Office of Price Administration at the intervals specified in the authorizing order. The maximum prices granted under this paragraph are subject to revocation, readjustment and charge (not to apply retroactively) by the Office of Price Administration.

(e) *Application for special shipping consideration to the Western Area*—(1) *When appropriate.* Whenever it has been certified by the War Production Board or the War Foods Administration or other responsible governmental authority that a shortage exists or threatens to exist in the essential supply of wide mouth glass containers in the Western Area and that this shortage might be relieved by shipments from a point or points in the Eastern Area from a specified seller to a specified purchaser within a stated period of time, without the creation thereby of a similar shortage in the area from which shipment is made, but that such shipment is prevented by the prospective shipper's inability to absorb transportation charges to the extent required under other provisions of this regulation, the Office of Price Administration may, either on its own motion or on application filed in accordance with Revised Procedural Regulation No. 1, authorize relief in the manner and to the extent indicated below.

(2) *Submission of applications.* Every application submitted under this paragraph shall include at least the following information:

(i) Sufficient data to identify the item in question and the prospective seller and purchaser, and to demonstrate that an actual shortage exists which will be relieved by the proposed shipment.

(ii) Information sufficient to establish the fact that the making of the proposed shipment will not in turn cause or tend to cause the existence of a shortage in any locality in the Eastern Area;

(iii) Information showing adequately why the proposed shipment cannot be made without the issuance of special authorization under this paragraph;

(iv) A statement that the manufacturer making the application did not, between January 1 and July 31, 1941, make any shipment of wide mouth glass containers to the Western Area at prices at or below those now applicable on shipments to that destination under section 5.2 (a) and (b) of this regulation;

(v) A statement that the applicant manufacturer does not maintain producing or warehousing facilities in the Western Area;

(vi) A statement of the price which is requested for this sale, and a statement of the quantity and time requested to be covered by an authorization under this paragraph;

(vii) A statement from the buyer, submitted by applicant, that the excess of the maximum prices applied for by that plant over the applicable maximum prices set forth in section 5.2 (a) and (b) of this regulation will not be passed on to purchasers in the first sale of any commodity as packaged in the container, and that the requested increase, if granted, will not be made the basis of an application to the Office of Price Administration by the seller of such commodity to increase his selling price;

(viii) A statement that the maximum prices requested have been computed in accordance with section 4.8 of this regulation, in that the customary price differentials, whether published or unpublished, which were or would have been allowed in the Eastern Area by that plant on July 1, 1941, to purchasers in contract or greater quantities, or to any other class of purchaser who resells the containers as such, have been maintained;

(ix) A statement of the maximum freight allowance (including the tax of 3 percent levied by section 620 of the Revenue Act of 1942 on the transportation of property for hire, in accordance with Supplementary Order No. 31 issued by the Office of Price Administration) regularly made by the manufacturer during the period January 1 to July 31, 1941. The maximum freight allowance made by the applicant in the period January 1 to July 31, 1941 is defined for the purpose of this section as the average of the three highest freight rates that were allowed by the manufacturer to purchasers of wide mouth glass containers in contract or greater quantities on shipments to destination within the price zone in which the applicant plant is located.

(3) *Relief available.* Relief will be granted under this paragraph only on specific and express authorization by the Price Administrator and will conform to the terms of the authorizing order. The maximum relief granted shall be to authorize the applicant plant, notwithstanding other provisions of this regulation, to use as its maximum prices for the items and time authorized in the order an amount in each case no greater than that reached by the following computation:

From the maximum price for the item concerned in the zone from which shipment is proposed to be made, as provided in Articles I through IV and section 5.1 (a) and (b) of this regulation, deduct the plant's maximum freight allowance as computed under subparagraph 2 (ix), immediately above, and to the resulting figure add the lowest actual rail rate (including also the tax of 3 percent levied by section 620 of the Revenue Act of 1942 on the transportation of property for hire, in accordance with Supplementary Order No. 31 issued by the Office of Price Administration) from the proposed shipping point to the proposed destination on an identical shipment to that for which this authorization is requested.

The authorizing order will state to what extent relief has been granted and will specify what information must be submitted by the applicant plant in reports to be submitted by it to the Office of Price Administration in accordance with the authorizing order. The maximum prices and allowances granted under this paragraph are subject to revocation, readjustment, and change (not to apply retroactively) by the Office of Price Administration.

This amendment shall become effective July 23, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12225; Filed, July 28, 1943; 4:33 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 304—LABOR

[General Order 17, Rev.]

TRAINING ORGANIZATION SCHOOLS AND STATIONS ON AMERICAN, PANAMANIAN, AND HONDURAN FLAG VESSELS

EMPLOYMENT OF GRADUATES

General Order 17, § 304.10 *Employment of officers and crews for all American flag vessels and Panamanian and Honduran flag vessels,* is revised to read:

§ 304.10 *Employment of graduates of Training Organization schools and stations on American, Panamanian* and *Honduran flag vessels owned by or under chapter to the War Shipping Administration.* All owners, operators, agents, maritime unions, and others (hereinafter referred to as "employers") employing officers and crews for vessels owned by or under charter to the War Shipping Administration and documented under the laws of the United States of America or under the laws of the Republic of Panama or the Republic of Honduras, in employing, for their first assignment after graduation, graduates of War Shipping Administration schools and stations designated:

Fort Trumbull, New London, Connecticut;
Alameda, California;
United States Merchant Marine Academy;
California Maritime Academy;
Maine Maritime Academy;
Massachusetts Maritime Academy;
New York State Maritime Academy;
Pennsylvania Maritime Academy;
Hoffman Island, New York, New York.
St. Petersburg, Florida;
Sheepshead Bay, New York;
Avalon, California; and
Gallups Island, Boston, Massachusetts;

shall be governed by the following rules and regulations:

(a) Graduates may be employed only through the offices of the Recruitment and Manning Organization, located at:

(1) 200 Bush Street, San Francisco, California;

(2) 45 Broadway, New York, New York.

(3) Canal Building, 210 Baronne Street, New Orleans, Louisiana; and

(4) Such other port offices as the Assistant Deputy Administrator for Recruitment and Manning may designate.

(b) Employers shall refer to the Recruitment and Manning Organization, graduates and enrollees of War Shipping Administration schools and stations who apply to them directly for employment.

(c) Graduates who are assigned to vessels operating under collective bargaining agreements will, upon the request of the maritime union holding such an agreement, be routed via the Recruitment and Manning Organization to the vessel in accordance with the provisions and hiring practices established by the terms of the particular collective bargaining agreement involved.

(d) Graduates shall be assigned to a named vessel only, and shall not be released to any employer for general assignment.

(e) Graduates of the Officer Schools at Fort Trumbull, New London, Connecticut, and Alameda, California, shall be reassigned to an operator when such operator advises the Recruitment and Manning Organization in writing that such man was released by the operator for the specific purpose of taking the courses offered at such school and that his reassignment is requested.

(f) Graduates of the United States Merchant Marine Cadet Corps will be assigned, whenever possible, to the operators on whose vessels they obtained their sea-training provided that such operators request their services in writing.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JULY 27, 1943.

[F. R. Doc. 43-12265; Filed, July 29, 1943; 10:23 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

HART MOUNTAIN NATIONAL ANTELOPE REFUGE, OREGON

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), *the following is hereby ordered:*

§ 21.404 *Hart Mountain National Antelope Refuge, Oregon; hunting of deer.* Deer may be taken during the open season from October 9 to October 24, inclusive, as prescribed by the State Game Commission of Oregon, in the calendar year 1943 on certain lands, hereinafter described, of the United States within the exterior boundary of the Hart Mountain National Antelope Refuge, Oregon, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[1] and subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The following-described lands of the United States in the Hart Mountain National Antelope Refuge, Oregon, shall be open to the hunting of deer: That part of the refuge that drains into Warner Valley along the western boundary, having as its northern limit, with slight deviation, the new road from the Hart Mountain CCC camp site to the refuge headquarters and having as its southern limit the southern boundary of the refuge, all as indicated by appropriate posting on the ground by the officer in charge.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall be in possession of a valid hunting license issued by the State of Oregon authorizing him to hunt deer and a permit, if required. Said license and permit shall serve as a Federal permit for hunting deer on the refuge and must be carried on the person of the licensee while so hunting. The license and permit must be exhibited upon the request of any representative of the Oregon State Game Commission authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee must comply in every respect with the State laws and regulations governing the hunting of deer and upon request of any of the aforesaid representatives must exhibit for inspection all game killed by him or in his possession.

(c) *Disorderly conduct, intoxication.* No person who is intoxicated will be permitted to enter or remain upon the refuge for the purpose of hunting hereunder, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by the regulations in this section, shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

(e) *Limitation on firearms.* Deer may be taken only with a rifled firearm of not less than 1,700-foot pounds muzzle energy, factory rating.

(f) *Forfeiture of privileges.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of the regulations in this section or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge not only will render such person liable to prosecution under the law but also will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

(g) *State cooperation in management of the shooting area.* The provisions of the regulations in this section shall be incorporated in and deemed to be a part of any cooperative agreement between the Director of the Fish and Wildlife Service and the State Game Commission of Oregon for the regulation, management, and operation of the shooting area established hereunder, the details of which shall be mutually agreed upon between said Director and Commission.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 20, 1943.

[F. R. Doc. 43-12264; Filed, July 29, 1943; 9:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. 508–FD, 1221–FD]

REQUESTS FOR EXEMPTION

ORDER DISMISSING APPLICATIONS

In the matter of applications filed pursuant to sections 4–A and 4 II (1) of the Bituminous Coal Act of 1937 requesting exemptions from the Act.

Applications in the above-designated dockets having been filed with the Bituminous Coal Division requesting exemptions under section 4–A and 4 II (1) of the Bituminous Coal Act of 1937; and it appearing appropriate, in view of the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m. on August 24, 1943, to dismiss each of the said applications;

Now, therefore, it is ordered, That effective midnight, August 23, 1943, each of the above-mentioned applications in the above-designated dockets be, and the same hereby is, dismissed.

Dated: July 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–12267; Filed, July 29, 1943; 10:43 a. m.]

Bureau of Mines.

SUCKOW BORAX MINES CONSOLIDATED, INC.

ORDER SUSPENDING LICENSES AND DIRECTING THEIR SURRENDER

To: Suckow Borax Mines Consolidated, Inc., and all its officers, agents and employees, including Otto A. Friedrich, 38–40 St. James Park, Los Angeles, California.

In the matter of licensees Suckow Borax Mines Consolidated, Inc., Otto A. Friedrich, et al.

Having reason to believe on the grounds of facts of which I have knowledge or reliable information that Paul Otto Tobeler (or Toebler) of Los Angeles, California, is disloyal or hostile to the United States, that he is Secretary and Treasurer and controls the operations of the Suckow Borax Mines Consolidated, Inc., a licensee under the Federal Explosives Act, that it is likewise disloyal or hostile to the United States, and that Otto A. Friedrich and other licensees under the Federal Explosives Act have been in charge of explosives for the Suckow Borax Mines Consolidated, Inc.,

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I, R. R. Sayers, Director of the Bureau of Mines, hereby *Order,* That all licenses issued to the Suckow Borax Mines Consolidated, Inc., and to any of its officers, agents, and employees, including Otto A. Friedrich, be and they are hereby suspended and that all such licenses, together with all certified or photographic copies thereof, shall be surrendered upon demand to my authorized representative;

That none of the licensees whose licenses are suspended by this order shall engage in any transactions in or operations involving explosives or ingredients of explosives as defined in section 2 of the regulations under the Federal Explosives Act except under the direct supervision and with the written approval of one of my authorized representatives; and that this order shall likewise apply to explosives and ingredients of explosives on hand and to explosives and ingredients of explosives heretofore purchased by, although not yet delivered to, the licensees;

That this order will become effective at 12.01 a. m. on July 26, 1943. The licenses hereby suspended will be permanently revoked unless within 20 days from the effective date of this order the licensees or any of them file with me a request for an opportunity to show cause why such license or licenses should not be permanently revoked. If such request is received, the licensees will be given an opportunity to present evidence to me at the offices of the Bureau of Mines, Department of the Interior, Washington, D. C. at a time of which the licensees will be given reasonable notice.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or both by such fine and imprisonment. Moreover, any violation of the Federal Explosives Act or of the regulations thereunder would by itself be cause for revoking all licenses issued under the act to the offender.

Dated at Washington, D. C., this 22d day of July 1943.

R. R. SAYERS,
Director.

[F. R. Doc. 43–12220; Filed, July 28, 1943; 2:01 p. m.]

Bureau of Reclamation.

YAKIMA PROJECT, WASH.

RECOMMENDATIONS OF BUREAU OF RECLAMATION WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for operation and maintenance employees of the Bureau of Reclamation on the Yakima Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Yakima Project and recommends them for your adoption:

Labor classification	Prevailing base hourly rate on private work	Recommended basic hourly rate for B/R employees
Blacksmith, Maintenance	$1.10	$1.10
Canal Patrolman	.77½	.77½
Electrician, Maintenance	1.10	1.10
Line Patrolman, 1st Class	1.10	1.10
Machinist, Maintenance	1.10	1.10
Teamster, Maintenance	.70	.70
Tractor Operator, Maintenance	.87½	.87½
Welder, Maintenance	1.25	1.25
Powerhouse Foreman	1.21	1.21
Powerhouse Operator, Senior	1.08	1.08
Powerhouse Operator	.93	.93
Powerhouse Operator, Junior	.87	.87
Powerhouse Operator, Under	.76	.76

It is the understanding of the Wage Board that the Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board further understands that the wage rates for the group of employees specified below are not in the several recognized trades or occupations referred to in section 23 of the Act of March 28, 1934, (48 Stat., 522), and incumbents of these positions will be paid straight time wage rates for work in excess of forty hours a week. The Wage Board finds that the hourly wage rates listed below do not exceed current rates of pay for similar employment in the vicinity of the Yakima Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Reclamation Maintenance Laborer	$0.70	$0.70
Reclamation Maintenance Laborer, Leadman	.80	.80
Reclamation Maintenance Foreman	1.00	1.00
Reclamation Maintenance Man (semi-skilled)	.80	.80

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Yakima Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of

Reclamation Wage Board this 7th day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
GUY W. NUMBERS,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: July 20, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-12240; Filed, July 29, 1943; 9:38 a. m.]

YUMA PROJECT, ARIZ.-CALIF.

RECOMMENDATIONS OF BUREAU OF RECLAMATION WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for operation and maintenance employees of the Bureau of Reclamation on the Yuma Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Yuma Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Automotive Mechanic	$.87½	$.87½
Blacksmith, Maintenance	1.00	1.00
Carpenter, Maintenance	1.00	1.00
Ditchcleaner Operator	.97½	.97½
Ditch Equipment Operator	1.15	1.15
Dragline Operator, Maintenance	1.12½	1.12½
Electrician, Maintenance	1.00	1.00
Line Patrolman, 1st Class	1.00	1.00
Machinist, Maintenance	1.00	1.00
Oiler, Dragline	.67½	.67½
Pump Operator	.75	.75
Pump Operator, Senior	.80	.80
Teamster, Maintenance	.50	.50
Trackwalker	.55	.55
Powerhouse Foreman	1.24	1.24
Powerhouse Operator	.95	.95
Powerhouse Operator, Junior	.89	.89
Powerhouse Operator, Under	.72	.72

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat. 522).

The Wage Board further understands that the wage rates for the group of employees specified below are not in the several recognized trades or occupations referred to in section 23 of the Act of March 28, 1934 (48 Stat. 522), and incumbents of these positions will be paid straight time wage rates for work in excess of forty hours a week. The Wage Board finds that the hourly wage rates listed below do not exceed current rates of pay for similar employment in the vicinity of the Yuma Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate on B/R employees
Reclamation Maintenance Laborer	$.62½	$.62½
Reclamation Maintenance Laborer, Leadman	.75	.75
Reclamation Maintenance Mechanic	1.15	1.15
Reclamation Maintenance Foreman	.87½	.87½
Reclamation Maintenance Man (semi-skilled)	.75	.75

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Yuma Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 7th day of July 1943.

DUNCAN CAMPBELL,
Chairman.
GUY W. NUMBERS,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: July 20, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-12241; Filed, July 29, 1943; 9:38 a. m.]

COLORADO RIVER PROJECT, TEXAS

RECOMMENDATIONS OF BUREAU OF RECLAMATION WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for construction employees of the Bureau of Reclamation on the Colorado River Project. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Colorado River Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Air compressor operator	$1.25	$1.25
Core drill operator	1.12½	1.12½
Core drill operator, special	1.25	1.25
Core drill operator helper	.65	.65
Machinist	1.25	1.25
Machinist helper	.75	.75
Machinist foreman	1.37½	1.37½
Construction laborer	.60	.60

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat. 522).

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all field employees of the Bureau of Reclamation on the Colorado River Project, except those allocated to grade, be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 16th day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
GUY W. NUMBERS,
Member.
ALFRED R. GOLZE,
Alternate Member.

Approved: July 20, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-12242; Filed, July 29, 1943; 9:39 a. m.]

COLUMBIA RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

Correction

In F.R. Doc. 43-11813 appearing on page 10370 of the issue for Saturday, July 24, 1943, the land description for the Echo Park Reservoir Site, Sixth Principal Meridian, Colorado, for T. 6 N., R. 103 W., should read:

T. 6 N., R. 103 W.,
Sec. 15, NW¼NE¼, W½, NE¼SE¼.

FEDERAL TRADE COMMISSION.

[Docket No. 5017]

THE RUBEROID COMPANY

COMPLAINT AND NOTICE

Complaint

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, has been since June 19, 1936, and is now violating the provisions of subsection (a) of section 2 of the Clayton Act (U. S. C., Title 15, Sec. 13), as amended by the Robinson-Patman Act approved June 19, 1936, hereby issues its complaint, stating its charge with respect thereto as follows:

PARAGRAPH 1. Respondent, The Ruberoid Company, is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 500 Fifth Avenue, New York, New York. Respondent corporation is now and has been since June 19, 1936, engaged in the business of processing, manufacturing, offering for sale, selling and distributing asbestos and asphalt roofing, insulating materials and allied products in all parts of the United States.

The respondent is one of the largest manufacturers and distributors of asbestos and asphalt roofing, insulating materials and allied products in the United States. It maintains and operates branch warehouses and sales offices at Baltimore, Maryland; Mobile, Alabama; Erie, Pennsylvania; Millis, Massachusetts and Chicago, Illinois. The respondent sells its products directly to wholesalers, retailers, and "applicators". The term "applicators" herein used applies to corporations, individuals, partnerships and firms known as building or roofing contractors who apply the products purchased from the respondent to buildings. The "applicators" usually sell the respondent's products to consumers on a contract basis, charging the consumer for the materials used and the labor employed in connection with the applying of the asbestos and asphalt roofing and insulating materials to buildings.

PAR. 2. Respondent sells and distributes its products in commerce between and among the various states of the United States and in the District of Columbia and preliminary to or as a result of such sales, causes such products to be shipped and transported from the place of production or origin of the shipment to the purchasers thereof who are located in various states of the United States and in the District of Columbia other than the state of origin of the shipment and there is and has been at all times herein mentioned a continuous current of trade and commerce in said products across state lines between respondent's plants, factories or warehouses and the purchasers of such products. Said products are then sold and distributed for use and resale within the various states of the United States and within the District of Columbia.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent has been and is now in substantial competition in commerce with other manufacturers and sellers of asbestos and asphalt roofing and insulating materials and allied products and who for many years prior hereto have been and are now engaged in manufacturing, selling and shipping such products in commerce across state lines to purchasers thereof located in the various states of the United States.

Many of respondent's customers are competitively engaged with each other and with the customers of respondent's competitors in the resale of said products within the several trade areas in which respondent's said customers respectively offer for sale and sell the said products purchased from respondent.

PAR. 4. In the course and conduct of its said business, since June 19, 1936, respondent has been and is now discriminating in price between different purchasers buying said products, by selling them to some of its customers at higher prices than it sells products of like grade and quality to other customers who are competitively engaged in the resale of said products within the United States with customers receiving the lower prices.

The respondent grants and allows to all of its customers a cash discount of 2% if the invoice is paid within a specified time.

PAR. 5. The respondent has discriminated in price by the use of a so-called trade discount schedule whereby it has sold to some customers at higher prices than it has sold goods of like grade and quality to other customers who are in competition with them in the resale of said products within the United States. The so-called trade discount schedule includes two types of discounts, one known as a "distributor commission" and the other known as a "wholesaler discount". The trade discount schedule used by the respondent is more particularly described as follows:

(a) The respondent grants to some of its customers who are engaged in the resale of asphalt roofing products of like grade and quality in competition with other of respondent's customers, a "distributor commission" ranging from 5% to 10% to be deducted from the invoice price and a "wholesaler discount" of 5% off the invoice price. The "wholesaler discount" of 5% allowed by the respondent to its favored customers is in addition to the "distributor commission" ranging from 5% to 10% granted and allowed to the same customers.

(b) The respondent grants to some of its customers who are engaged in the resale of asbestos shingles and siding of like grade and quality in competition with other of respondent's customers, a "distributor commission" of 5%, and in some instances 6%, to be deducted from the invoice price and a "wholesaler discount" of 6% off of the invoice price. The "wholesaler discount" of 6% allowed by the respondent to its favored customers is in addition to the "distributor commission" of 5%, and in some instances 6% granted and allowed to the same customers.

The "distributor commission" and "wholesaler discount" herein referred to are allowed to some and withheld from other customers of the respondent who purchase from the respondent asphalt roofing products and asbestos shingles and siding and allied products and who are in competition with each other.

PAR. 6. The effect of the discrimination in price generally alleged in Paragraph Four hereof and of the discriminations specifically set forth in Paragraph Five hereof has been, or may be, substantially to lessen competition in the line of commerce in which the purchasers receiving and those denied the benefits of such discriminatory prices are engaged and to injure, destroy or prevent competition between purchasers receiving the benefit of said discriminatory prices and those from whom they are withheld. The effect also has been or may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in the said line of commerce in the various localities or trade areas in the United States where said favored customers and their disfavored competitors are engaged in business.

Such discriminations in price by respondent between different purchasers of commodities of like grade and quality in interstate commerce in the manner and form aforesaid are in violation of the provisions of subsection 2 (a) of section 1 of said Act of Congress approved June 19, 1936, entitled "An Act to Amend section 2 of an Act Entitled, 'An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies and for Other Purposes' Approved October 15, 1914 as amended, U. S. C. Title 15, section 13 and for Other Purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 26th day of July, A. D., 1943, issues its complaint against said respondent.

Notice

Notice is hereby given you, The Ruberoid Company, a corporation, respondent herein, that the 3d day of September, A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had

on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complant and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complant to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complant and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complant. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 26th day of July, A. D., 1943.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12274; Filed, July 29, 1943; 11:19 a. m.]

[Docket No. 4913]

BOOK GIVE-AWAY PLAN

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1943.

In the matter of Joseph L. Morse and Mac Gache, doing business under the name and style Book Give-Away Plan.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 9, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12271; Filed, July 29, 1943; 11:19 a. m.]

[Docket No. 4954]

ZO-AK COMPANY, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1943.

In the matter of Zo-Ak Company, Inc., a corporation, Jasper, Lynch & Fishel, Inc., a corporation, and Alfred P. Zabin and Juliette Zabin, individually and as officers of the Zo-Ak Company, Inc., a corporation, and trading as Harvin Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 16, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12272; Filed, July 29, 1943; 11:19 a. m.]

[Docket No. 4967]

HELENA VOLAY COSMETICS AND CHICAGO UNION ADVERTISING AGENCY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of July A. D. 1943.

In the matter of Helen E. Hoeck, an individual trading as Helena Volay Cosmetics and Chicago Union Advertising Agency, Inc., a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 30, 1943, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-12273; Filed, July 29, 1943; 11:19 a. m].

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1700]

CONTRACT RIGHTS OF HANS THOMA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Hans Thoma of Karlsruhe, Baden, Germany, is a national of a foreign country (Germany);

2. Finding that the said Hans Thoma is the owner of the interest described in subparagraph 4 hereof;

3. Finding that the heirs, executors, administrators and assigns, if any, of said Hans Thoma are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interest of Hans Thoma of Karlsruhe, Baden, Germany, his heirs, executors, administrators, and assigns in, to and under an agreement between said Hans Thoma and the Hansea Patent Service Corporation, New York, New York, dated January 25, 1935, relating to patents Nos. 2,150,950; 2,154,710; and 2,198,891, including all accrued royalties and other monies payable or held with respect to said interest and all damages for breach of said agreement, together with the right to sue therefor,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12021; Filed, July 29, 1943; 1:16 p. m.]

[Vesting Order 1701]

UNITED STATES PATENT NO. 1,988,488 OF I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany, and therefore is a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of Issue	Inventor	Title
1,988,488	1-22-35	Heinrich Hopff, Friedrich Libel & Emerich Valko.	Production of conversion products of rubber.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12022; Filed, July 26, 1943; 1:16 p. m.]

[Vesting Order 1702]

BAUSCH & LOMB OPTICAL COMPANY AND ERNST LEITZ

Re: Cross License agreement between Bausch and Lomb Optical Company and the Firm of Ernst Leitz, Optische Werke, relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the Firm of Ernst Leitz, Optische Werke is a business organization organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of the Firm of Ernst Leitz, Optische Werke;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the Firm of Ernst Leitz, Optische Werke, by virtue of an agreement dated June 13, 1935 (including all modifications thereof and supplements thereto, if any) by and between the said Firm of Ernst Leitz, Optische Werke, and Bausch and Lomb Optical Company, which agreement relates among other things, to United States Letters Patents Nos. 1,793,634, and 1,916,603,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12023; Filed, July 26, 1943; 1:17 p. m.]

[Vesting Order 1703]

SIEMENS-SCHUCKERT WERKE A. G., AND SIEMENS-LURGI-COTTRELL-ELEKTROFILTER-GESELLSCHAFT M. B. H.

Re: Interests of Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung and Patentverwertung, in an agreement relating to United States Patent Number 2,251,451.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung are corporations organized under the laws of and having their principal places of business in Germany and are therefore nationals of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Siemens-Schuckert Werke A. G. Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung, and each of them, by virtue of an agreement dated July 7, 1931 (including all modifications thereof and supplements thereto, if any) between said Siemens-Schuckert Werke A. G., Metallgesellschaft Aktiengesellschaft, and Siemens-Lurgi-Cottrell-Elektrofilter-Gesellschaft m. b. H. fur Forschung und Patentverwertung and International Precipitation Company, Western Precipitation Corporation, Research Corporation, and Lodge Cottrell Ltd., which agreement relates among others, to United States Letters Patent Number 2,251,451,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12024; Filed, July 26, 1943; 1:17 p. m.]

[Vesting Order 1704]

DR. ALEXANDER WACKER GESELLSCHAFT

Re: Interests of Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H., in a contract with G. S. Blakeslee & Co., relating to Patent No. 1,771,698.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H., is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H. by virtue of an agreement dated July 21, 1937 (including all modifications thereof and supplements thereto, if any) by and between the said Dr. Alexander Wacker Gesellschaft für Elektrochemische Industrie, G. m. b. H. and G. S. Blakeslee & Co., which agreement relates among other things to Patent No. 1,771,698,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12025; Filed, July 26, 1943; 1:17 p. m.]

[Vesting Order 1705]

OTTO STRACK, ET AL.

Re: Interest of Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft in a contract with Freyn Engineering Company relating to Patent No. 1,792,663.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

2. Finding that Otto Strack is a resident of Auerbach, Hesse, Germany, and therefore is a national of a foreign country (Germany);

3. Finding that the property identified in subparagraph 4 hereof is property of Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft;

4. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft, and each of them, by virtue of an agreement dated May 3, 1929 (including all modifications and supplements thereto, including, but not by way of limitation, letters from Otto Strack to Freyn Engineering Company dated March 9, 1931 and May 14, 1932, letters dated December 16, 1935 and December 2, 1937 from Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft to Freyn Engineering Company and letter of January 26, 1936 and January 6, 1938 from Freyn to Pfaelzischen) by and between Otto Strack and Pfaelzischen Chamotte und Thonwerke (Schiffer und Kircher) Aktiengesellschaft and Freyn Engineering Company, which agreement relates, among other things, to United States Letters Patent Nos. 1,679,993 and 1,792,663,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interest held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12026; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1707]

OSKAR LUHN AND BRUNO LANGE

Re: United States Letters Patent No. 2,111,246 owned by Oskar Luhn or Bruno Lange and interest of Bruno Lange in an agreement relating to United States Letters Patent Nos. 2,111,246 and 2,115,865

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Oskar Luhn and Bruno Lange are citizens and residents of Germany and each of them is therefore a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 4–a hereof is property of Oskar Luhn and/or Bruno Lange;

3. Finding that the property described in subparagraph 4–b hereof is property of Bruno Lange;

4. Finding that the property described as follows:

a. All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of issue	Inventor	Title
2,111,246	3-15-38	Oskar Luhn	Electromagnetic relay.

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Bruno Lange by virtue of an agreement dated September 22, 1938 (including all modifications thereof and supplements thereto, if any) by and between Bruno Lange and Weston Electrical Instrument Corporation, which agreement relates among other things, to United States Letters Patent Nos. 2,111,246 and 2,115,865

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12027; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1703]

LURGI GESELLSCHAFT FUR CHEMIE UND HUTTENWESEN M. B. H. AND METALLGESELLSCHAFT A. G.

Re: Interests of Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and Metallgesellschaft A. G. in an agreement with Metallgesellschaft A. G. and International Precipitation Company, relating to United States Patent No. 1,811,797.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and Metallgesellschaft A. G. are corporations organized under the laws of and having their principal places of business in Germany and are therefore nationals of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and Metallgesellschaft A. G.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Lurgi Gesellschaft fur Chemie und Huttenwesen m. b. H. and

Metallgesellschaft A. G., and each of them, by virtue of an agreement between International Precipitation Company and Metallgesellschaft A. G., as evidenced by two letters, one dated August 18, 1932 from International Precipitation Company to Metallgesellschaft A. G., the other dated September 2, 1932 from Metallgesellschaft A. G. to International Precipitation Company (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent No. 1,811,797,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12028; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1709]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Agreement between I. G. Farbenindustrie Aktiengesellschaft and E. I. DuPont de Nemours and Company relating to United States Letters Patent No. 1,903,500.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany, and therefore is a national of a foreign country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable and held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated August 14, 1932 (including all modifications thereof and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and E. I. DuPont de Nemours and Company, said agreement relating, among other things to United States Letters Patent No. 1,903,500, which patent was reissued as Reissue Patent No. 20,777,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12029; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1710]

N. V. INTERNATIONALE ALFOL MAATSCHAPPIJ, ET AL.

Re: Patents owned by N. V. Internationale Alfol Maatschappij and Otto Schlichting, and contractual interests of N. V. Internationale Alfol Maatschappij and Rhodius Koenigs Handels Maatschappij.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that N. V. Internationale Alfol Maatschappij and Rhodius Koenigs Handels Maatschappij, corporations organized under the laws of The Netherlands, are controlled by German nationals and are, therefore, nationals of a foreign country (Germany);

2. Finding that Otto Schlichting is a resident of Berlin-Steglitz, Germany and is, therefore, a national of a foreign country (Germany);

3. Finding that the property identified in subparagraphs 5–a and 5–c hereof is property of N. V. Internationale Alfol Maatschappij and/or Rhodius Koenigs Handels Maatschappij;

4. Finding that the property identified in subparagraph 5–b hereof is property of Otto Schlichting or of N. V. Internationale Alfol Maatschappij and/or Rhodius Koenigs Handels Maatschappij;

5. Finding that the property described as follows:

a. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of Issue	Inventors	Title
1,757,479	5-6-30	Ernst Schmidt and Eduard Dyckerhoff.	Heat insulation.

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date of Issue	Inventor	Title
2,001,632	5-14-35	Otto Schlichting.	Insulation against losses of heat and cold.

c. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in N. V. Internationale Alfol Maatschappij by virtue of an agreement dated November 7, 1930 (including all modifications of and supplements to such agreement, including, but not by way of limitation, letters dated October 27, 1932; August 8, 1934 and February 7, 1936 from N. V. Internationale Alfol Maatschappij to Alfol Insulation Company, Inc.) by and between N. V. Internationale Alfol Maatschappij and Max Breitung, which agreement relates, among other things, to certain United States Letters Patent including Patent No. 1,757,479,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12030; Filed, July 26, 1943; 1:18 p. m.]

[Vesting Order 1711]

FRANS VAN DER GRINTEN AND KALLE & CO., A. G.

Re: Interests of Frans van der Grinten in an agreement with Charles Bruning Company, Inc., and interests of Kalle & Co. A. G., in an agreement with Ozalid Corporation and Charles Bruning Company, Inc., relating to Patent No. 1,821,281.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Frans van der Grinten is a resident of the Netherlands and is therefore a national of a foreign country (Netherlands);

2. Finding that the property described in subparagraph 5-a hereof is property of Frans van der Grinten;

3. Finding that Kalle & Co. A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

4. Finding that the property described in subparagraph 5-b hereof is property of Kalle & Co. A. G.;

5. Finding that the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Frans van der Grinten by virtue of the contract dated August 1, 1929 (including all modifications thereof and supplements thereto, if any) by and between the said Frans van der Grinten and Charles Bruning Company, Inc., a New York corporation, which contract relates, among other things, to Patent No. 1,821,281,

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Kalle & Co. A. G. by virtue of the contract dated March 25, 1937 (including all modifications thereof and supplements thereto, if any) by and between the said Kalle & Co. A. G., Ozalid Corporation, a Delaware corporation, and Charles Bruning Company, Inc., a New York corporation, which contract relates, among other things, to Patent No. 1,821,281,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Germany and/or Netherlands);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12031; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1713]

UNITED STATES PATENT APPLICATION OF ANKER-WERKE A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Anker-Werke A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

2. Finding that the patent application identified in subparagraph 3 hereof is property of Anker-Werke A. G.;

3. Finding that the patent application described as follows:

Serial No.	Date	Inventor	Title
229,493	8-24-38	Kurt Aurbach.	Bookkeeping machine.

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12032; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1714]

PATENT APPLICATIONS OF JEAN CHARLES SEAILLES AND OTHERS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Jean Charles Seailles is a resident and citizen of France and is therefore a national of a foreign country (France);

2. Finding that Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges & Camarque and Societe "Association Des Ouvriers En Instruments De Precision" are business organizations organized under the laws of and having their principal places of business in France and are therefore nationals of a foreign country (France);

3. Finding that the patent applications and other property related thereto identified in subparagraph 4 hereof are property of Jean Charles Seailles, Compagnie de Produits Chimiques et Electrometallurgiques Alais Froges & Camarque, and Societe "Association Des Ouvriers En Instruments De Precision", respectively;

4. Finding that the patent applications identified as follows:

Serial no.	Filing date	Inventor	Title
19,278	5-1-35	J. Seailles	Treatment of calcium aluminates.
260,214	3-6-39	J. Frejacques	Methods of manufacturing fuels.
266,920	4-8-39	J. Delavigne	Method and apparatus for the production of metals in powder form.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

are property of nationals of a foreign country (France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12033; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1716]

RICHARD JAHRE

Re: Interests of Richard Jahre in an agreement with Radio Patents Corporation relating to United States Letters Patent No. 2,078,618.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Richard Jahre is a resident of Germany and is therefore a national of a foreign country (Germany);

2. Finding that the property identified in subparagraph 3 hereof is property of Richard Jahre;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Richard Jahre by virtue of an oral agreement evidenced by a memorandum dated September 7, 1934 (including all modifications thereof and supplements thereto, if any) addressed to the said Richard Jahre by Radio Patents Corporation, which agreement relates among other things to United States Letters Patent No. 2,078,618,

is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12034; Filed, July 26, 1943; 1:19 p. m.]

[Vesting Order 1717]

UNITED STATES PATENT APPLICATIONS OF C. LORENZ AKTIENGESELLSCHAFT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that C. Lorenz Aktiengesellschaft is a corportaion organized under the laws of and having its principal place of business in Germany and is therefore a national of a foreign country (Germany);

2. Finding that the patent applications identified in Exhibit A attached hereto and made a part hereof are property of C. Lorenz Aktiengesellschaft;

3. Finding that the property described as follows:

The patent applications identified in Exhibit A attached hereto and made a part hereof,

is property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

United States Patent Applications which are identified as follows:

Serial no.	Date	Inventor	Title
414,421	10-10-41	E. Muller	Radio systems for obtaining bearings.
414,427	10-10-41	H. Dirks	High power condensers.
414,477	10-10-41	J. Goldmann	Energy transition systems.
414,479	10-10-41	R. Boerner	Parabolic reflectors.
414,481	10-10-41	G. Wegener	Synchronizing arrangement.
414,482	10-10-41	G. Wegener	Synchronizing arrangement.
417,088	10-30-41	G. Baunbach	Electron tube mountings.
418,348	11- 8-41	H. Eggers	Methods of determining positions in space.
421,350	12- 2-41	E. Lopp	Ultra-short wave tubes.

[F. R. Doc. 43–12035; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1718]

PATENT APPLICATION OF GIAN ALBERTO BLANC AND FELIX JOURDAN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gian Alberto Blanc and Felix Jourdan are residents and citizens of Italy and France, respectively and are therefore nationals of foreign countries (Italy and France);

2. Finding that the patent application and other property related thereto identified in subparagraph 3 hereof are property of Gian Alberto Blanc and Felix Jourdan;

3. Finding that patent application identified as follows:

Serial No.	Filing date	Inventor	Title
216,390	6-23-38	G. Blanc et al.	Methods for the treatment of certain minerals by alcalinization.

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of foreign countries (Italy and France);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12036; Filed, July 26, 1943; 1:28 p. m.]

[Vesting Order 1719]

ABANDONED PATENT APPLICATIONS OF NATIONALS OF ENEMY COUNTRIES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "owner" in Exhibit A attached hereto and made a part hereof if an individual, is a citizen and resident of, or, if a business organization, is organized under the laws of and has its principal place of business in, the country represented by the number set forth after its respective name in said Exhibit A under the heading "Nat Code" in accordance with the following:

28 Germany
34 Hungary
39 Japan

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the patent applications and other property related thereto identified in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" after the respective numbers thereof in said Exhibit A;

3. Finding that the patent applications described as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of nationals of foreign countries (Germany, Hungary and Japan);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Owner	Inventor	Title	Nat code
5,162	2/6/35	Yogoro Kato	Y. Kato	Method of and apparatus for electrolytic manufacturing of metallic magnesium.	39
8,189	2/25/35	Oswald Th. Krefft	O. Krefft	Process of preparing fluorinated organic compounds.	28
14,225	4/2/35	Guido Schultze	G. Schultze	Plastifying masses	28
14,629	4/4/35	Franz Gottwalt Fischer	F. Fischer	Method for the separation of acylatable substances from mixtures containing same.	28
22,918	5/22/35	Erich Konrad and Georg Meyer.	E. Konrad et al	Stable rubber materials	28
23,824	5/23/35	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	R. Weber	Direction finder	28
26,778	6/15/35	Karl Wilhelm Rosenmund	K. Rosenmund	Mixed silicic acid esters	28
31,133	7/12/35	Julius Soll	J. Soll	Process of introducing fluorine into organic compounds.	28
31,734	7/16/35	Max Paquin	M. Paquin	Condensation products and a process of preparing them.	28
31,996	7/18/35	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	H. Scharlau	System for and method of determining direction and distance.	28
32,467	7/20/35	Arthur Voss and Werner Heuer.	A. Voss et al	Highly viscous polymerization products and process of preparing them.	28
114,278	12/4/36	Buderus'sche Eisenwerke	E. Pohl	Process for the manufacture of centrifugally cast articles.	28
146,963	6/7/37	Elemer Klein and Rudolf Steiner.	J. Pap	Process for the production of aluminum oxide.	34
192,166	2/23/38	Kohle-und-Eisen-forschung G. m. b. H.	F. Hartmann	Process of calcining magnesium and calcium bearing materials.	28
225,984	8/20/38	I. G. Farbenindustrie A. G.	H. Kaufmann et al	Production of oily products from brown coal.	28
240,500	12/17/38	Albrecht V. F. U. Ludwigsdorf.	A. Ludwigsdorf	Centrifugal casting chill, especially for the production of bodies from cast iron.	28
252,590	1/24/39	Helmut Jacobi and Walter Flemming.	H. Jacobi et al	Explosives and a process of producing same.	28
264,030	3/24/39	Steinkohlen-Bergwerk	W. Grimme	Complete removal of organic sulphur compounds from gases containing carbonmonoxide and hydrogen.	28
272,175	5/6/39	The Institute of Physical and Chemical Research.	Gen-Itsu Kita	Method of preparing an iron catalyst in synthesizing gasoline.	39
277,622	6/6/39	Hermann Kretzschmar	H. Kretzschmar	Process for the manufacture of double compounds of fluorine and aluminum.	28
280,211	6/20/39	Oelwerke Noury and Van Der Lande G. m. b. H.	T. Curten	Process for making condensation resin from aconitic acid and terpenes.	28
285,952	7/22/39	Gustav Schulze	H. Wentrup et al	Smelting iron ores containing titanium oxide.	28
287,040	7/28/39	Walter Bremicker	W. Bremicker	Centrifugal casting machine	28
287,870	8/2/39	Gerlando Marullo	G. Marullo	Processes for the preparation of aluminum sulphate.	28
345,374	7/13/40	Gerlando Marullo	G. Marullo	Process for the extraction of potassium sulphate and alumina from aluminum-potassium silicates.	28
355,869	9/7/40	Oelwerke Noury and Van Der Lande G. m. b. H.	F. Grandel	Process of manufacturing artificial resins.	28
368,089	11/30/40	Luigi Amati	L. Amati	Furnace for the production of metallic magnesium.	28
368,090	11/30/40	Luigi Amati	L. Amati	Briquetted mass for the production of magnesium by thermal.	28
368,091	11/30/40	Luigi Amati	L. Amati	Receptacle suited to contain the briquetted mass employed in the production of magnesium by thermal reduction.	28
383,944	3/18/41	Piero Lecis	P. Lecis	Process for treating red muds residuing from the alkaline attack of aluminous ores.	28
391,721	5/3/41	The Institute of Physical and Chemical Research.	Gen-Itsu Kita	Iron catalyst for synthesizing gasoline and method of preparing the same.	28

[F. R. Doc. 43-12037; Filed, July 26, 1943; 1:27 p. m.]

[Vesting Order 1720]

PATENT APPLICATION OF EDOUARD KREBS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Edouard Krebs is a resident of France and a citizen of Norway and is therefore a national of foreign countries (France and Norway);

2. Finding that the patent application and other property related thereto identified in subparagraph 3 hereof are property of Edouard Krebs;

3. Finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
195,548	3-12-38	E. Krebs	Process and apparatus for the electrolytic production of beryllium, magnesium and other alkaline-earth metals.

together with the entire right, title and interest throughout the United States and its terriories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of a national of foreign countries (France and Norway);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12038; Filed, July 26, 1943; 1:27 p. m.]

[Vesting Order 1757]

CENTRALE DES MATIERES COLORANTES, ET AL.

Re: Patent No. 2,059,903, and interests of Centrale des Matieres Colorantes and Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor in a contract relating thereto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Compagnie Nationale de Matieres Colorantes et Manufactures de Produits Chimiques du Nord Reunies, Centrale des Matieres Colorantes, and Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor are companies organized under the laws of and having their principal places of business in France and are therefore nationals of a foreign country (France);

2. Finding that the property described in subparagraph 4-a hereof is property of Compagnie Nationale de Matieres Colorantes et Manufactures de Produits Chimiques du Nord

Reuines and/or Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor;

3. Finding that the property described in subparagraph 4-b hereof is property of Centrale des Matieres Colorantes and/or Societe Anonyme de Matieres Colorantes et Produits Chimiques Francolor;

4. Finding that the property described as follows:

a. All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent No.	Date	Inventor	Title
2,059,903	Nov. 3, 1936	Pierre Petitcolas	Water insoluble azo dyestuffs and their production.

b. All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Centrale des Matieres Colorantes by virtue of a contract dated April 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between General Aniline Works, Inc., a Delaware corporation, and Centrale des Matieres Colorantes, which contract relates among other things to Patent No. 2,059,903,

is property of, or is property payable or held with respect to a patent or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12039; Filed, July 26, 1943; 1:27 p. m.]

[Vesting Order 1830]

ESTATE OF KENTARO ABE

In re: Estate of Kentaro Abe, also known as Jack Abe, deceased; file 9-100-017-8729.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz, Public Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National:	*Last known address*
Kenshiro Abe	Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kenshiro Abe in and to the Estate of Kentaro Abe, also known as Jack Abe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11933; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1831]

ESTATE OF PETER ANAKA

In re: Estate of Peter Anaka, deceased; File D-57-262; E.T. sec. 6552.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by F. J. Wettrick, Administrator, acting under the judicial supervision of the Probate Court of King County, Washington;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Roumania, namely,

National:	*Last known address*
Axenia Chortiuc	Roumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Axenia Chortiuc in and to the Estate of Peter Anaka, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may

file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12000; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1832]

ESTATE OF EMILIE BERDELE

In re: Estate of Emilie Berdele, deceased; file D–28–3790; E. T. sec. 6423.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Heiney and Theresa Kemmerer, Executrices, acting under the judicial supervision of the Orphans' Court of Lehigh County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Mrs. Louisa Yeager	Germany.
Ludwig Scheiss	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Louisa Yeager and Ludwig Scheiss, and each of them, in and to the Estate of Emilie Berdele, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12001; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1833]

ESTATE OF FRED BISCHOF

In re: Estate of Fred Bischof, deceased; File D–28–3686; E. T. sec. 6076.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. H. Fryberger, Kadoka, South Dakota, Executor, acting under the judicial supervision of the County Court of the State of South Dakota, in and for the County of Washabaugh;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Carl Bischof	Germany.
Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Carl Bischof.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Carl Bischof and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Carl Bischof, and each of them, in and to the estate of Fred Bischof, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12002; Filed, July 26, 1943; 1:21 p. m.]

[Vesting Order 1834]

ESTATE OF ALEX BREBURDA

In re: Estate of Alex Breburda, deceased, File D–66–261; E. T. sec. 2232.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John T. Dempsey, 11 South LaSalle Street, Chicago, Illinois, Administrator, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelmina Breburda, mother of decedent.	Sterkrade Nord Oberhausen Hesoler St. 325, Germany.
Person or persons, names unknown, heirs at law of Alex Breburda, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national intrest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelmina

Breburda and person or persons, names unknown, heirs at law of Alex Breburda, deceased, and each of them, in and to the estate of Alex Breburda, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12003; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1835]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHANGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May, 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Frances Carroll Brown, file D 34–150; E.T. sec. 5796.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Frances Carroll Brown by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May, 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12004; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1836]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHANGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Margaret Price Brown, also known as Margaret Brown Trimble; file D 34–152; E. T. sec. 5798.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Margaret Price Brown, also known as Margaret Brown Trimble by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12005; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1837]

ESTATE OF PACIFICIO COLUSSI

In re: Estate of Pacifico Colussi, also known as Pacific Colussi, deceased; File D-28-2152; E. T. sec. 2731.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Potter Title and Trust Company, Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Girolamo Colussi	Italy.
Marina Colussi	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Girolamo Colussi and Marina Colussi, and each of them, in and to the estate of Pacifico Colussi, also known as Pacific Colussi, deceased,

to be held, used, administered liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12006; Filed, July 26, 1943; 1:22 p. m.]

[Vesting Order 1838]

ESTATE OF ENRICO DIGIOVANNI

In re: Estate of Enrico DiGiovanni, deceased; File D-66-367; E. T. sec. 2708.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Potter Title and Trust Company, Fourth Avenue and Grant Street, Pittsburgh, Pennsylvania, Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Natiline DiGiovanni	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Natiline DiGiovanni in and to the estate of Enrico DiGiovanni, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12007; Filed, July 26, 1943; 1:23 p. m.]

[Vesting Order 1839]

ESTATE OF PHILIP EICHER

In re: Estate of Philip Eicher, deceased; File D-28-1890; E. T. sec. 1656.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Eicher	Germany.
Katharina Pfister, also known as Kathryn Pheister, and so named in the Last Will and Testament of Philip Eicher, deceased,	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Eicher, and Katharina Pfister, also known as Kathryn Pheister, and so named in the Last Will and Testament of Philip Eicher, deceased, and each of them, in and to the Estate of Philip Eicher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12008; Filed, July 26, 1943; 1:23 p. m.]

[Vesting Order 1840]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHANGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May, 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Mary Daly Gerard, File D 34–151; E. T. sec. 5797.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York, and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character, whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Mary Daly Gerard by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May, 1929,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12009; Filed, July 29, 1943; 1:23 p. m.]

[Vesting Order 1841]

ESTATE OF ISAAC E. HIRSCH

In re: Estate of Isaac E. Hirsch, also known as I. E. Hirsch, deceased; File D–28–3882; E. T. sec. 6569.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Annette H. Frey, Executrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ricke Hirsch	Germany.
Caroline Isay, also known as Carrie Isay.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ricke Hirsch and Caroline Isay, also known as Carrie Isay, and each of them, in and to the estate of Isaac E. Hirsch, also known as I. E. Hirsch, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12010; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1842]

ESTATE OF CHARLES HORTER

In re: Estate of Charles Horter, also known as Charles Hotra, deceased; File D–34–60; E. T. sec. 499.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the County Treasurer of Niagara County, Niagara, New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Niagara County, New York,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National:	*Last known address*
Mary Horter, also known as Mary Hotra.	Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mary Horter, also known as Mary Hotra, in and to the Estate of Charles Horter, also known as Charles Hotra, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12011; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1843]

TRUST UNDER WILL OF ORVILLE HORWITZ

In re: Trust under will of Orville Horwitz, deceased; File F–66–136; E. T. sec. 8201.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Safe Deposit and Trust Company, Trustee and Agent, acting under the judicial supervision of the Circuit Court of Baltimore City, Baltimore, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Alice Horwitz Andreozzi Bernini d'Assergio.	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alice Horwitz Andreozzi Bernini d'Assergio in and to the Trust Estate created under the Will of Orville, Horwitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12012; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1844]

ESTATE OF ADOLPH HUMPFNER

In re: Estate of Adolph Humpfner, deceased, File No. D–28–1717; E. T. sec. 745.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peter L. Smith, Administrator de bonis non, and Helen Haas Humpfner, Administratrix de bonis non acting under the judicial supervision of the Surrogate's Court, Montgomery County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely

Nationals:	*Last known address*
Anna Maria Nusser	Germany.
Theresa Mueller	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Maria Nusser and Theresa Mueller and each of them in and to the Estate of Adolph Humpfner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12013; Filed, July 26, 1943; 1:24 p. m.]

[Vesting Order 1845]

LIQUIDATION OF INTEGRITY TRUST CO.

In re: Liquidation of Integrity Trust Company; File D–28–2467; E. T. sec. 3494.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Secretary of Banking, Commonwealth of Pennsylvania, Receiver of Integrity Trust Co., acting under the judicial supervision of the Court of Common Pleas, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Bertha Bauer	Germany.
Christiana Hardtner	Germany.
Lina Haussman	Germany.
Emma Henne	Germany.
Anna Hummell	Germany.
Wilhelm Mayer	Germany.
Marie Muller	Germany.
Lina Rohr	Germany.
Erwin Schmidt	Germany.
Herrman Schmidt	Germany.
Kurt Schmidt	Germany.
Martha Schmidt	Germany.
Karl Sigel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of the designated nationals whose names appear below, and each of them, in and to one hundred shares of Integrity Trust Company common stock, in and to any and all accumulated net rentals of premises described as 409–413 Cherry Street, Philadelphia, Pennsylvania, and in and to cash in the following amounts:

Bertha Bauer	$269.22
Christiana Hardtner	201.29
Lina Haussman	201.30
Emma Henne	99.39
Anna Hummell	201.29
Wilhelm Mayer	269.22
Marie Muller	269.22
Lina Rohr	405.08
Erwin Schmidt	99.40
Hermann Schmidt	99.40
Kurt Schmidt	99.40
Martha Schmidt	99.40
Karl Sigel	99.39

to be held, used, administered, liquidated, sold or otherwise dealth with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12014; Filed, July 20, 1943; 1:25 p. m.]

[Vesting Order 1846]

TRUST UNDER WILL OF HARRY C. JAGER

In re: Trust under the will of Harry C. Jager, deceased; File D–28–2497; E. T. sec. 3440.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Trust Company of New Jersey, Executor and Trustee, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County, New Jersey; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Jahnke	Germany.
Herman Jahn	Germany.
Wanda Jahn	Germany.
Alice Jahn	Germany.
Alfred Jahn, Jr.	Germany.
Caroline Freese	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests.

All right, title, interest, and claim of any kind or character whatsoever of Anna Jahnke, Herman Jahn, Wanda Jahn, Alice Jahn, Alfred Jahn, Jr., and Caroline Freese, and each of them, in and to the Trust Estate created under the Last Will and Testament of Harry C. Jager, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12015; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1847]

TRUST UNDER WILL OF WILLIAM KELLER

In re: Trust under will of William Keller, deceased; File D–63–78; E. T. sec. 3422.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Girard Trust Company, as Substituted Trustee, acting under the judicial supervision of Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ottilie F. Madelung	Germany.
Augusta M. Pohl	Germany.
Otto H. Madelung	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ottilie F. Madelung, Augusta M. Pohl and Otto H. Madelung, and each of them, in and to the Trust Estate created under the Will of William Keller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of

the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12016; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1848]

ESTATE OF FREDERICK L. KEPPLER

In re: Estate of Frederick L. Keppler, deceased; File D–28–2544; E.T. sec. 4506.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Commissioner of Finance of Westchester County, White Plains, New York, acting under the judicial supervision of the Surrogate's Court of Westchester County, White Plains, New York,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Susan Weissbaan	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Susan Weissbaan, in and to the Estate of Frederick L. Keppler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12017; Filed, July 26, 1943; 1:25 p. m.]

[Vesting Order 1849]

MORTGAGE PARTICIPATION CERTIFICATES OF ALFRED KUNZE

In re: Mortgage participation certificates of Alfred Kunze; File F–28–15258; E. T. sec. 386.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Jersey City, as Substituted Trustee, acting under the judicial supervision of the Court of Chancery of the State of New Jersey, Trenton, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Alfred Kunze	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alfred Kunze in and to Mortgage Participation Certificates bearing Nos. D–160, D–161 and D–236, issued by the Steneck Title and Mortgage Guaranty Company of Hoboken, New Jersey,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12018; Filed, July 26, 1943; 1:26 p. m.]

[Vesting Order 1850]

ESTATE OF EMMA LOUISE KUPKA

In re: Estate of Emma Louise Kupka, deceased; file D–28–1637; E. T. sec. 241.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ralph C. Busser, Jr., Allen T. Keeley and J. Vincent Poley, as Administrators, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Rudolf Seveke	Germany.
Anna Lina Kirchberger	Germany.
Auguste Marie Rueger	Germany.
Klara Eugenie Queck	Germany.
Margarete Scherer	Germany.
Martha Seidel	Germany.
Anna Seidel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rudolf Seveke, Anna Lina Kirchberger, Auguste Marie Rueger, Klara Eugenie Queck, Margarete Scherer, Martha Seidel and Anna Seidel, and each of them, in and to the Estate of Emma Louise Kupka, deceased;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such returns should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12019; Filed, July 26, 1943; 1:26 p.m.]

[Vesting Order 1851]

TRUST UNDER AGREEMENT BETWEEN MARGARET P. DALY AND THE CORN EXCHAGE BANK TRUST CO.

In re: Trust created under agreement dated the ninth day of May, 1929, between Margaret P. Daly and the Corn Exchange Bank Trust Company, for the benefit of Harriot D. Sigray; file F 34–437; E. T. sec. 4996.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, trustee, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to a trust created for the benefit of Harriot D. Sigray by agreement between Margaret P. Daly and the Corn Exchange Bank Trust Company dated the ninth day of May 1929.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12020; Filed, July 26, 1943; 1:26 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

DELIVERY AND DISTRIBUTION OF MILK IN WATERTOWN, N. Y.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5078, 7694, 9623; 8 F.R. 8278, 8377), the private carriers named in the appendix hereof have filed with the Office of Defense Transportation for approval a joint action relating to the transportation and delivery of milk by motor vehicle in the Watertown Milk Marketing Area, New York.

The participants have agreed that all retail delivery and distribution of milk in such area shall be on an every-other-day basis. They have agreed to trade "outlying customers" on their wholesale routes in order to reduce the mileage operated by motor trucks, and to suspend delivery service to such customers when adequate supplies of milk can be obtained from other sources.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 28th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX

1. B. H. Treadwell, 409 Jeff. Co. Nat'l. Bank Bldg., Watertown, N. Y.
2. Ford O. Rundell, Black River, N. Y.
3. H. H. Tackett, Watertown, N. Y.
4. H. Y. Stone & Son, Watertown, N. Y.
5. W. E. Allen, Watertown, N. Y.
6. Wm. A. Patterson, Watertown, N. Y.
7. A. G. Dorr, Watertown, N. Y.
8. E. T. Greene, Watertown, N. Y.
9. Hygienic Dairy Co., C. A. Brown, Pres., Watertown, N. Y.
10. J. R. McNulty, Watertown, N. Y.
11. C. A. Dorr, Watertown, N. Y.
12. Roy Lavanchard, Watertown, N. Y.
13. R. H. Taylor, Watertown, N. Y.
14. Joseph Hamburgh, Watertown, N. Y.
15. Charles Murrock, Watertown, N. Y.
16. Rutland Hills Co-Op. Inc., G. C. Hubbard, Mgr., Watertown, N. Y.
17. Michael Hollywood, Watertown, N. Y

[F. R. Doc. 43–12223; Filed, July 29, 1943; 11:29 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional, State, and District Office Orders.

[Region III Order G–1 Under MPR 376]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO, AND W. VA.

Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 of Maximum Price Regulation No. 376, *It is hereby ordered:*

(a) *Purpose.* On and after April 30, 1943, the maximum wholesale prices of terminal sellers, carlot receivers, com-

mission sellers on consignment, cash and carry or retail-owned cooperative wholesalers and service wholesalers for sales on either an f. o. b. or delivered basis, of all kinds and varieties of tomatoes, snap beans, carrots, cabbage, green peas, lettuce and spinach, hereinafter referred to as "listed comodities," within the States of Indiana (except the county of Lake), Kentucky, Michigan, Ohio and West Virginia, shall be determined under the provisions of this order.

(b) *Terminal base prices.* Schedule A, attached hereto and made a part hereof, establishes in one of two methods a "terminal base price" for the various kinds and varieties of the "listed commodities". In cases where provision is made for "formula pricing" in Schedule A, the "terminal base price" is defined to mean the price paid to the country shipper f. o. b. country shipping point plus actual carload freight and icing costs to the terminal. Charges for local trucking and unloading may not be included and in no case may the country shipper's price be in excess of the maximum price established for him by any order of the Office of Price Administration. In those portions of Schedule A where prices are set in dollars and cents, the "terminal base price" is defined to mean such dollars and cents figure for the applicable commodity.

(c) *Terminal sellers, carlot receivers and commission sellers on consignment—*(1) *Sales in unbroken carload or truckload lots.* Where "terminal base prices" for "listed commodities" are established in Schedule A by dollars and cents figures, a terminal seller, carlot receiver or commission seller on consignment may sell or deliver such "listed commodities" in unbroken carload or truckload lots at a price not to exceed such "terminal base prices". Where, however, the "terminal base price" of a listed commodity is permitted by this order to be calculated on a country shipper's price plus carload freight and icing costs, a terminal seller, carlot receiver or commission seller on consignment may sell such commodity in unbroken carload or trucking lots at a price not to exceed such "terminal base price" multiplied by 1.035.

(2) *Sales in broken carload or truckload lots.* Where a terminal seller, carlot receiver, or commission seller on consignment handles a "listed commodity" by breaking carload or truckload lots and by selling in less than carload or truckload lots, his maximum price for such sale shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.095.

(3) *Sales to bonafide retailers.* Where a terminal seller, carlot receiver or commission seller on consignment sells in less than carload or truckload lots to a bonafide retailer and provides in such sale the usual and customary services of a service wholesaler, his maximum price for such sale shall be determined by multiplying the applicable "terminal base price" for such commodity by 1,175.

(d) *Cash and carry or retailer-owned cooperative wholesalers—*(1) *In general.* Where a cash and carry or retailer-owned cooperative wholesaler purchases a "listed commodity" in carload lots from a country shipper, terminal seller, carlot receiver or commission seller on consignment, his maximum price for such "listed commodity" shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.095.

(2) *Where commodity is purchased from another wholesaler.* Where a cash and carry or retailer-owned cooperative wholesaler has purchased a "listed commodity" in less than carload lots from another wholesaler, terminal seller, carlot receiver or commission seller on consignment, his maximum price for such "listed commodity" shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.20.

(e) *Service wholesalers—*(1) *In general.* Where a service wholesaler purchases a "listed commodity" in carload or truckload lots from a country shipper, terminal seller, carlot receiver, or commission seller on consignment, his maximum price for such listed commodity shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.175.

(2) *Where commodity is purchased from another wholesaler.* Where a service wholesaler has purchased a "listed commodity" in less than carload lots from another wholesaler, terminal seller, carlot receiver, or commission seller on consignment, his maximum price for such "listed commodity" shall be determined by multiplying the applicable "terminal base price" for such commodity by 1.29.

(f) *Calculation of prices.* (1) The maximum prices of all wholesalers other than country shippers, terminal sellers, carlot receivers and carload sellers on consignment shall be computed on Wednesday of each week before making any sales and shall be based on the "terminal base price" of the largest single purchase of each kind and variety of the "listed commodity" during the seven preceding days. The applicable maximum price thus determined shall be the effective maximum price for the ensuing week for all sales by such wholesaler for each kind and variety of the "listed commodities".

(2) Where a wholesaler, other than a terminal seller, carlot receiver or commission seller or consignment, purchases a "listed commodity" from a country shipper in carload or truckload lots, for the purposes of resale of such "listed commodity", he shall be deemed to be a terminal seller, and shall be governed by the prices permitted terminal sellers by this order. Such prices shall not be subject to weekly recomputation under this section.

(g) *Invoices.* All wholesalers shall accompany each sale with an invoice which shall show the date of purchase, name of the seller, the name and the address of the purchaser, a complete description of the "listed commodity" sold, the quantity, and the selling price. All invoices of sales made by one wholesaler, terminal seller, carlot receiver, or commission seller on consignment, to another wholesaler, terminal seller, carlot receiver, or commission seller on consignment, shall indicate the "terminal base price" for the "listed commodity" sold.

(h) *Records.* Any person selling a "listed commodity" who is subject to the terms of this General Order shall keep and maintain all records necessary for the determination of any maximum price, "terminal base price", or "largest single purchase".

(i) *Prohibitions.* For the duration of this order, no person shall sell or deliver any "listed commodity" at a price in excess of the Maximum Price established herein and no person in the course of trade or business shall buy or receive a "listed commodity" at a price higher than the maximum price provided in this order. Lower prices than the maximum price may be charged, demanded, paid, or offered.

No person shall defeat or attempt to defeat the purposes of this Order by the use of any tying agreement or other similar device or procedure.

(j) *Exempt sales.* Section 5 of Maximum Price Regulation No. 376 applying to exempt sales is incorporated and made a part of this order.

(k) *Revocation or former order.* Order No. G-1 under Temporary Maximum Price Regulations Nos. 28 and 29 (formerly General Order No. 2) adjusting maximum wholesale prices of certain fresh vegetables in Region III, together with amendments 1, 2, and 3 thereto, is hereby revoked, replaced, and superseded by this order, which further supersedes and replaces all orders and adjustments heretofore issued by any District or State office of Region III of the Office of Price Administration by virtue of a delegation of authority granted such officer under the provisions of Temporary Maximum Price Regulations No. 28 and No. 29.

(l) *Definitions.* (1) A "commission seller" is defined to mean a seller who receives "listed commodities" on consignment from a shipper and who sells for the account of the shipper.

(2) A "carlot receiver or terminal seller" is defined to mean a seller who buys "listed commodities" directly from a shipper, and who customarily sells to wholesalers or to chain store warehouses.

(3) A "retailer-owned cooperative wholesaler" is defined to mean either a non-profit organization or a corporation of which 51% or more of the stock is owned by its retailer customers and which distributes "listed commodities" for resale.

(4) A "cash and carry wholesaler" is defined to mean a wholesaler, other than a retailer-owned cooperative wholesaler, who distributes "listed commodities" for resale or to commercial, industrial or institutional users and who does not customarily deliver to purchaser.

(5) A "service wholesaler" is defined to mean a wholesaler, other than a retailer-owned cooperative wholesaler, who distributes "listed commodities" for resale or to commercial, industrial, or institutional users and who delivers to the purchaser's place of business.

(6) "Largest single purchase" means the purchase of the greatest quantity which was received by the wholesaler at this customary receiving point during

the seven days before the day of the week on which the maximum price must be calculated.

(m) *Geographical applicability.* This order shall apply to all sales and deliveries of the "listed commodities", pursuant to which the buyer receives physical delivery, or whose customary receiving point is within the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio and West Virginia.

This Order No. G–1 under Maximum Price Regulation No. 376 shall become effective April 30, 1943, and shall remain in effect until modified, revoked or amended by the Regional Administrator or Region III of the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued April 29, 1943.
Effective April 30, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

Wherever, in this Schedule A, the term "formula pricing" is used it shall be deemed to mean the amount paid to the country shipper for such commodity, plus carload freight and icing costs to terminal. In no event shall the country shipper's price exceed the maximum price allowed by any order of the Office of Price Administration.

The term "Atlanta Region," wherever used, shall mean the States of Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina and Virginia.

The term "Dallas Region," wherever used, shall mean the States of Texas, Oklahoma, Louisiana, Missouri, Arkansas and Kansas.

The term "San Francisco Region," wherever used, shall mean the States of California, Nevada, Arizona, Oregon and Washington.

(a) *Tomatoes—(1) Mexican, Cuban and Florida.*

Type	Size	Price per 30 pound lug	Price per pound net weight packed in smaller size containers
Mexican	5/5's, 5/6's, 6/6's	$5.75	$0.22
Mexican	6/7's	5.65	.21
Mexican	7/7's	5.00	.19
Mexican	7/8's	3.75	.14
Cuban and Florida	5/5's, 5/6's, 6/6's	6.25	.24

(2) *Mexican, Cuban and Florida, when bought in 30 pound lugs, processed and repacked in 8 pound baskets.*

Grade and size:	Price per 8 pound basket
Fancy, 8 lb. basket	$2.10
Twins, 8 lb. basket	1.80
Choice, 8 lb. basket	1.70
Plain, 8 lb. basket	1.30
(3) *Hot house tomatoes* 8 lb. basket	2.30

(b) *Snap Beans.* (1) All kinds and varieties grown in Atlanta Region or Dallas Region, Formula pricing.

(2) All kinds and varieties, grown elsewhere. (i) Packed in hampers, weighing 28 pounds net, $6.30 per hamper.

(ii) Packed in other than 28 pound hampers, 22½ cents multiplied by the number of net pounds in the particular container.

(c) *Carrots.* (1) All kinds and varieties grown in Dallas Region, Formula pricing.

(2) California or Arizona. (i) Bunches, packed 6 dozen in a crate, $5.75 per crate.

(ii) Bunches, packed in other size containers, 8 cents multiplied by the number of bunches in the particular container.

(3) California. (i) Topped, packed in 60 pound bags, bushels or ½ crates, $2.60 per bag, bushel or ½ crate.

(ii) Topped, packed in other size containers, 5.2 cents multiplied by the number of net pounds in the particular container.

(4) Old nearby. (i) Topped, packed in 50 pound bags, bushels, or ½ crates, $2.00 per bag, bushel or ½ crate.

(ii) Topped, packed in other size containers, 4 cents multiplied by the number of net pounds in the particular container.

(d) *Cabbage.* (1) All kinds and varieties grown in Atlanta or Dallas Region, Formula pricing.

(2) California. (i) Packed in 80 pound L. A. crates, $5.50 per crate.

(ii) Packed in other size containers, 6.1 cents multiplied by the number of net pounds in the particular container.

(e) *Green peas.* (1) Packed in bushels, $4.50 per bushel.

(2) Packed in other size containers, 17.5 cents multiplied by the number of net pounds in the particular container.

(f) *Lettuce.* (1) Head lettuce. (i) All kinds and varieties grown in Atlanta, Dallas or San Francisco Region, Formula pricing.

(2) Leaf lettuce. (i) Packed in 24 quart baskets, $1.40 per basket.

(g) *Spinach.* (1) All kinds and varieties grown in Atlanta or Dallas Region, Formula pricing.

(2) All kinds and varieties grown elsewhere. (i) Packed in 18 pound bushels, $1.80 per bushel.

(ii) Packed in other size containers, 10.5 cents multiplied by the number of net pounds in the particular container.

[F. R. Doc. 43-12205; Filed, July 28, 1943; 11:38 a. m.]

[Region III Order G–1 Under MPR 376, Amdt. 1]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO AND W. VA.

Amendment No. 1 to Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 of Maximum Price Regulation No. 376, *It is hereby ordered,* That the words "country shippers" be deleted from paragraph (d) (1) and paragraph (e) (1) and that Paragraph (e) of Schedule A be amended to read as set forth below:

(e) *Green peas:* All kinds and varieties grown in the United States of America, formula pricing. Not to exceed $4.50 per bushel or 17½¢ per pound in other size containers.

This Amendment No. 1 shall become effective May 7, 1943.

Issued May 6, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12206; Filed, July 28, 1943; 11:37 a. m.]

[Region III Order G–1 Under MPR 376, Amdt. 2]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO, AND W. VA.

Amendment No. 2 to Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by section 4 of Maximum Price Regulation No. 376, *It is hereby ordered,* That paragraph (d) "Cabbage" of Schedule A in order No. G–1 under Maximum Price Regulation No. 376 be amended by the addition of subparagraph (3) as follows:

(d) *Cabbage* * * *

(3) All other cabbage:

(i) Packed in bags or other containers, 6.06 per pound multiplied by number of net pounds in the particular bag or container.

(ii) Bulk, 6.05¼ per pound multiplied by number of net pounds.

This Amendment No. 2 shall become effective June 12, 1943.

Issued June 11, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12207; Filed, July 28, 1943; 11:39 a. m.]

[Region III Order G–1 Under MPR 376, Amdt. 3]

CERTAIN FRESH FRUITS AND VEGETABLES IN IND. (EXCEPT LAKE COUNTY), KY., MICH., OHIO, AND W. VA.

Amendment No. 3 to Order No. G–1 under Maximum Price Regulation No. 376. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by Section 4 of Maximum Price Regulation No. 376: *It is hereby ordered,* That Schedule A of Order G–1 under Maximum Price Regulation No. 376, be amended by the addition of certain paragraphs, as follows:

(a) *Tomatoes.* * * *

(4) All other kinds and varieties, formula pricing. In no event, however, to exceed the price in subsection (1) and (2) herein, for the same or most similar grade, variety and size of tomatoes.

(c) *Carrots.* * * *

(5) All other kinds and varieties, formula pricing. In no event, however, to exceed 8¢ per bunch.

(f) *Lettuce*—(1) *Head lettuce* * * *

(ii) All kinds and varieties, grown elsewhere, formula pricing.

(2) *Leaf lettuce* * * *

(ii) Packed in other containers, 14 cents per pound.

This Amendment No. 3 shall become effective July 5, 1943.

Issued July 8, 1943.

C. M. HAUSER,
Acting Regional Administrator.

Action recommended by:

EDWARD C. WELSH,
Regional Price Executive.

[F. R. Doc. 43-12208; Filed, July 28, 1943; 11:39 a. m.]

[Region VI Order G-1 Under Temp. MPR 28 and 29]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEBR., AND LAKE COUNTY, IND.

Revised Order No. G-1 issued under Temporary Maximum Price Regulations 28 and 29. Adjusted maximum prices of certain fresh vegetables in Region VI (formerly Revised Regional Order No. 52).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and by General Order No. 32, *It is hereby ordered:*

(a) *Maximum price for direct carlot receivers.* The maximum prices for persons who receive commodities direct from country shippers shall be as follows:

(1) For carlot receivers and commission sellers (as these terms are hereinafter defined) the prices set forth in Appendix A for the commodities of the grade and in the quantities therein listed. Such commodities are hereinafter referred to as "listed commodities".

(2) For wholesalers buying in carload or truck load lots from country shippers and selling (whether in carload lots or not) to retailers other than chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.045.

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale of a listed commodity by a wholesaler shall be a price determined before making any sales on Wednesday of each week in whichever of the following ways is applicable:

(1) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from an auction, carlot receiver or commission seller, multiply the net cost by 1.08.

(2) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from another wholesaler (other than a carlot receiver or commission seller), multiply the net cost to the other wholesaler of that lot by 1.17: *Provided,* That in no event shall the price so determined be more than 1.17 times the net cost of that lot to the first purchaser thereof from an auction, carlot receiver or commission seller.

(3) For a service wholesaler buying from an auction, carlot receiver or commission seller and selling to a retailer or to commercial, industrial, institutional or governmental users, multiply the net cost by 1.175.

(4) For a service wholesaler buying from another wholesaler (other than a carlot receiver or commission seller) and selling to a retailer or to commercial, industrial, institutional or governmental users, multiply the net cost to the other seller of that lot by 1.27: *Provided,* That in no event shall the price so determined be more than 1.27 times the net cost of that lot to the first purchaser thereof from an auction, broker, carlot receiver, or commission seller.

(5) For first wholesaler (other than direct carlot receiver) buying from an auction, broker, carlot receiver or commission seller and selling to another wholesaler, multiply the net cost by 1.08.

To the price as above computed a wholesaler may add the amount of freight, if any, paid by him.

Any wholesaler selling to another wholesaler shall state on his invoice his net cost and the amount of freight paid by him. No wholesaler shall buy from another wholesaler any listed commodity until he has secured information as to his supplier's net cost.

(c) *Maximum prices for sellers at retail.* The maximum price for any sale of a listed commodity by a retailer shall be a price determined before making any sales on Thursday of each week by adding the net cost to the freight paid, if any, and multiplying the sum by 1.35.

(d) *Definitions.* (1) "A carlot receiver" shall mean any person buying listed commodities in carload or truck load lots direct from a country shipper and selling them (whether in carload or truck load lots or less) to wholesalers or chain store warehouses.

(2) "A commission seller" shall mean any person who receives listed commodities in carload or truck load lots direct from a country shipper and sells them (whether in carload or truck load lots or less) for the account of the shipper to wholesalers or chain store warehouses.

(3) "A retailer owned co-operative" wholesaler shall mean a non-profit organization or co-operative of which 51% or more of the stock is owned by its retailer customers and which distributes listed commodities at wholesale.

(4) "A cash and carry wholesaler" shall mean a person other than a carlot receiver or commission seller who distributes listed commodities for resale, or to commercial, industrial, institutional, or governmental users and who did not prior to March 15, 1943 customarily deliver to purchasers.

(5) "A service wholesaler" shall mean a person other than a carlot receiver or commission seller who distributes listed commodities for resale or to commercial, industrial, institutional, or governmental users who prior to March 15, 1943 customarily delivered to such purchasers.

(6) "Freight" shall mean actual charges made by a common carrier or contract carrier (including icing or refrigeration) and transportation tax. In the event that a listed commodity is transported by other means, freight shall be computed at the lowest available common or contract carrier rate. Freight shall not include any express charges or charges for unloading or local trucking.

(7) "Net cost" of each size and grade of each listed commodity shall be the price f. o. b. the intermediate shipper of the largest single lot of the particular size and grade of the commodity received during the seven-day period prior to each Wednesday in the case of a wholesaler and each Thursday in the case of a retailer: *Provided,* That in no case shall a wholesaler use a net cost higher than the maximum price specified in Appendix A. In the event that a seller shall have received no deliveries during the week prior to any Wednesday in the case of a wholesaler and Thursday in the case of a retailer, his net cost shall be the net cost established during the preceding seven-day period. In the event that no net cost can be arrived at by the foregoing methods, a seller's net cost shall be the price for the lot of the listed commodity being priced but in no event higher than the maximum price specified in Appendix A. As used in this sub-section, intermediate shipper refers to a carlot receiver, commission seller, or wholesaler and in no case to a country shipper or other shipper from the point of origin of the listed commodity.

(8) Unless the context otherwise requires, the definitions set forth in § 1439.262 of Temporary Maximum Price Regulation 28 and in § 1439.313 of Temporary Maximum Price Regulation 29 shall apply to any terms used herein not specifically defined.

(e) *Repacked tomatoes.* Any wholesaler who repacks tomatoes may add to his maximum price established hereunder 2½¢ per pound; and this amount, if not already included in net cost, may be added by any subsequent wholesaler buying repacked tomatoes from the repacker.

(f) *Adjustments.* Any district office in Region VI may, consistently with the provisions of § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29, issue Orders of Adjustment fixing margins lower than those herein provided for sales at retail of listed commodities within specified localities.

(g) *Geographical applicability.* This order applies to all sales pursuant to which the buyer receives physical delivery within Illinois, Wisconsin, South Dakota, North Dakota, Iowa, Minnesota, Nebraska and within the County of Lake, Indiana.

(h) This order may be revoked, amended or corrected at any time.

(i) *Effective date.* This Revised Order No. G-1 shall supersede Regional Order No. 52 (redesignated as order No. G-1) issued March 15, 1943, as of 12:01 A. M. March 24, 1943 and shall remain in effect with respect to tomatoes, cabbage, carrots, snap beans, and green peas until April 24, 1943, and with respect to lettuce and spinach until April 26, 1943, unless Temporary Maximum Price Reg-

ulations 28 and 29 shall have earlier been revoked or replaced.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 22d day of March 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

APPENDIX A

MAXIMUM PRICES IN REGION VI FOR CARLOT RECEIVERS AND COMMISSION SELLERS

(a) *For tomatoes including all kinds and varieties:*

Point of origin and size:	*Maximum price*
Mexico:	*for 30 lb. lugs*
5 x 5	$5.60
5 x 6	5.60
6 x 6	5.60
6 x 7	5.10
7 x 7	4.60

In sizes or containers other than those listed, $0.15 per pound net weight.

Cuba and Florida:	
5 x 5	$6.25
5 x 6	6.25
6 x 6	6.25
6 x 7	5.75

In sizes or containers other than those lised, $0.19 per pound net weight.

(b) *For snap beans including all kinds and varieties:*

Point of origin and size:	*Maximum price*
All points: 28 lb. hamper	$6.30

In sizes or containers other than those listed, $0.22½ per pound net weight.

(c) *For carrots including all kinds and varieties:*

Point of origin and size:	*Maximum price*
Calif., Ariz., and N. Mex.:	
6 doz. crate with tops	$4.50
7 doz. crate with tops	4.75
8 doz. crate with tops	5.25
½ crates pr. bushels topped	2.00

In other sizes with tops, $0.05½ per bunch. In other sizes topped, $0.04 per pound net weight.

Texas:	
6 doz. crate with tops	$4.00
7 doz. crate with tops	4.25
8 doz. crate with tops	4.75
½ crates pr. bushel topped	1.90

In other sizes with tops, $0.05 per bunch. In other sizes topped, $0.03½ per pound net weight.

(d) *For cabbage including all kinds and varieties:*

Point of origin and size:	*Maximum price*
All points	
L. A. crate 85–90 lbs	$4.90
⅔ L. A. crate	3.35
½ L. A. crate	2.55
50 lb. bags	2.95
100 lb. bags	5.50

In other sizes or containers than those listed above, $0.05½ per pound, net weight.

(e) *For green peas including all kinds and varieties:*

Point of origin and size:	*Maximum price*
All points: Bushels or 28 lb. hampers	$4.40

In sizes or containers other than those listed above, $0.15½ per pound, net weight.

(f) *For iceberg lettuce including all kinds and varieties:*

Point or origin and size:	*Maximum price*
California, Arizona	
4 doz. crate	$5.00
5 doz. crate	5.00
6 doz. crate	4.00

In sizes or containers other than those listed above, $0.05½ per head.

(g) *For Spinach including all kinds and varieties:*

Point or origin and size:	*Maximum price*
All points: 18–20 lb. bushel	$1.80

In sizes or containers other than those listed above, $0.09 per pound, net weight.

[F. R. Doc. 43-12211; Filed, July 23, 1943; 11:35 a. m.]

[Region VI Order G–1, Under Temp. MPR 28 and 29, Amdt. 1]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEBR., AND LAKE CO., IND.

Amendment No. 1 to Revised Order No. G–1 (formerly Revised Regional Order No. 52). Issued Under Temporary Maximum Regulations 28 and 29. Adjusted Maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in me by § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and General Order 32, *It is hereby ordered,* That Revised Order No. G–1 issued March 22, 1943, be and it is hereby amended as follows:

(a) Paragraph (a) is amended to read as follows:

(a) *Maximum price for direct carlot receivers.* The maximum prices for persons who receive commodities of the various grades and in the quantities listed in Appendix A (hereinafter referred to as "listed commodities") direct from country shippers shall be as follows:

(1) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots and selling such commodities without warehousing, the prices set forth in Appendix A.

(2) For carlot receivers and commission sellers, receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling in less than carload lots to wholesalers and chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(3) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers and selling to retailers other than chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.175.

(4) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points within the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling them in less than carload lots from warehouses to wholesalers, retailers, chain store warehouses or any other purchaser, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(b) Subparagraphs (d) (1) and (2), definition of carlot receiver and commission seller are deleted.

(c) Subparagraph (d) (7) is amended to read as follows:

(d) *Definitions.* * * *

(7) "Net cost" of each size and grade of each listed commodity shall be the price f. o. b. the intermediate shipper of the largest single lot of the particular size and grade of the commodity received during the seven-day period prior to each Wednesday in the case of a wholesaler and each Thursday in the case of a retailer: *Provided,* That in no case shall a wholesaler use a net cost higher than the maximum price specified in Appendix A multiplied by 1.08. In the event that a seller shall have received no deliveries during the week prior to any Wednesday in the case of a wholesaler and Thursday in the case of a retailer, his net cost shall be the net cost established during the preceding seven-day period. In the event that no net cost can be arrived at by the foregoing methods, a seller's net cost shall be the price for the lot of the listed commodity being priced, but in no event higher than the maximum price specified in Appendix A multiplied by 1.08. As used in this subparagraph, intermediate shipper refers to a carlot receiver, commission seller, or wholesaler and in no case to a country shipper or other shipper from the point of origin of the listed commodity.

(d) Paragraph (d) of Appendix A is amended by changing "All points" to "All points except Florida" and adding at the end of the listing therein contained, the following:

Point of origin	Size	Maximum price
Florida	1½ bushel hamper	$3.60
Florida	50 lb. bags	3.40

(e) Paragraph (g) of Appendix A is amended by adding the following:

Point of origin	Size	Maximum price
California	Crates weighing approximately 75 pounds, iced, with an approximate net weight of 40 pounds.	$3.60.
California	In sizes or containers other than that listed above.	$0.10 per lb. net weight.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued and effective this 27th day of March 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12212; Filed, July 23, 1943; 11:34 a. m.]

[Region VI Order G–1 Under Temp. MPR 28 and 29, Amdt. 2]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEB., AND LAKE CO., IND.

Amendment No. 2 to Revised Order No. G–1 (formerly Revised Regional Order No. 52). Issued Under Temporary Maximum Price Regulations 28 and 29. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in me by § 1439.253 (e) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and General Order 32, *It is hereby ordered,* That Revised Order No. G–1 issued March 22, 1943 be and it is hereby amended by substituting for paragraph (f) in Appendix A the following words and figures:

FOR ICEBERG LETTUCE INCLUDING ALL KINDS AND VARIETIES

Point of origin	Quantity per crate	Maximum price
	Dozen	
California-Arizona	4	$5.95
California-Arizona	5	5.95
California-Arizona	6	4.95

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued and effective this 30th day of March 1943.

RAYMOND S. MCKEOUGH, *Regional Administrator.*

[F. R. Doc. 43–12213; Filed, July 28, 1943; 11:34 a. m.]

[Region VI Order G–1 Under Temp. MPR 28 and 29, Amdt. 3]

CERTAIN FRESH VEGETABLES

Amendment No. 3 to Revised Order No. G–1. (Formerly Revised Regional Order No. 52). Issued under Temporary Maximum Price Regulations 28 and 29. Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in me by § 1439.253 (c) of Temporary Maximum Price Regulation 28 and § 1439.304 (c) of Temporary Maximum Price Regulation 29 and General Order 32, *It is hereby ordered,* That Revised Order No. G–1 issued March 22, 1943 be and it is hereby amended as follows:

a. Section (b) of Appendix A is hereby amended to read as follows:

(b) *For snap beans including all kinds and varieties:*

The maximum price established for any carload or truckload of snap beans at the time of shipment for any country shipper by Temporary Maximum Price Regulation 28 or any applicable regional order multiplied by 1.035 plus freight from country shipping point to point of sale.

b. Section (d) of Appendix A is hereby amended to read as follows:

(d) *For cabbage including all kinds and varieties:*

The maximum price established for any carload or truckload of cabbage at the time of shipment for any country shipper by Temporary Maximum Price Regulation 28 or any applicable regional order multiplied by 1.035 plus freight from country shipping point to point of sale.

c. This amendment shall become effective Wednesday, April 14, 1943.

Issued this 13th day of April 1943.

(Pub. Laws 421 and 729, 77th Cong.; 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

RAYMOND S. MCKEOUGH, *Regional Administrator.*

[F. R. Doc. 43–12214; Filed, July 28, 1943; 11:37 a. m.]

[Region VI Order G–1 Under MPR 376]

CERTAIN FRESH VEGETABLES IN ILL., WIS., S. DAK., N. DAK., IOWA, MINN., NEV., AND LAKE CO., IND.

Order No. G–1 under Maximum Price Regulation No. 376. Certain perishable fresh fruits and vegetables. (Reissuance of Revised Order No. G–1, formerly Revised Regional Order No. 52, under Temporary Maximum Price Regulations No. 28 and 29).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by Maximum Price Regulation No. 376, *It is hereby ordered:*

(a) Revised Order No. 52 as amended, (also known as Order No. G–1 issued under Temporary Maximum Price Regulation 28 and 29) issued under Temporary Price Regulations 28 and 29 shall remain in full force and effect until this order shall be amended, modified or revoked.

This order shall become effective midnight, April 24, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d of April 1943.

RAYMOND S. MCKEOUGH, *Regional Administrator.*

[F. R. Doc. 43–12215; Filed, July 28, 1943; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54–78, 54–40, 59–40, 54–53, 59–49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its offices in the City of Philadelphia, Pennsylvania on the 28th day of July, A. D. 1943.

In the matters of Consolidated Electric and Gas Company, File No. 54–78; Consolidated Electric and Gas Company, Applicant, File No. 54–40; Central Public Utility Corporation, Consolidated Electric and Gas Company, Respondents, File No. 59–40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Applicants, File No. 54–53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Respondents, File No. 59–49.

Consolidated Electric and Gas Company, a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for certain action designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of said Act; the Commission having by order dated July 19, 1943 consolidated the proceedings upon said application (1) with certain proceedings theretofore instituted by the Commission pursuant to section 11 (b) of said Act with respect to said Consolidated Electric and Gas Company and Central Public Utility Corporation, also a registered holding company, (2) with certain other proceedings instituted by the Commission pursuant to said section 11 (b) with respect to Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under a certain voting trust agreement dated August 1, 1932, relating to common stock of said Central Public Utility Corporation (said Trustees also being a registered holding company), (3) with proceedings upon an earlier application of said Consolidated Electric and Gas Company for approval of certain other action also designed to enable said Consolidated Electric and Gas Company to comply with said section 11 (b), and (4) with proceedings upon an application and declaration by said Trustees, above named, regarding the disposition of the common stock of Central Public Utility Corporation held by said Trustees; and the Commission having by said order of July 19, 1943 set down said consolidated proceedings for hearing at the offices of the Commission in Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on August 3, 1943; and

Consolidated Electric and Gas Company having requested that the hearing so directed to be held in said consolidated proceedings be postponed to September 8, 1943, and the Commission deeming it appropriate that the hearing be postponed to September 8, 1943;

It is ordered, That the hearing in this matter previously scheduled for August 3, 1943, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to September 8, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person other than parties to said consolidated proceedings desiring to be heard in connection with said proceedings or proposing to intervene therein shall file his request or application therefor with the Secretary of

the Commission as provided by Rule XVII of the Commission's Rules of Practice be, and the same is hereby extended to September 1, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-12266; Filed, July 29, 1943; 9:38 a. m.]

WAR FOOD ADMINISTRATION.

CARL C. FARRINGTON

DELEGATION OF AUTHORITY TO ADMINISTER COMMODITY CREDIT CORPORATION ORDER 4

Pursuant to the provisions of Commodity Credit Corporation Order 4, dated June 10, 1943 (8 F.R. 7887), dealing with the purchase and sale of farmers' stock peanuts from the 1943 crop, issued under the provisions of Executive Order No. 9334, dated April 19, 1943 (8 F.R. 5423), and to effectuate the purposes of such order, Carl C. Farrington, Vice-President of the Commodity Credit Corporation, is hereby designated and authorized to exercise and perform all the powers, functions, and duties conferred or imposed upon the President of the Commodity Credit Corporation by such order, and any amendments thereto.

Mr. Farrington shall be assisted in the administration of such order by such persons within the War Food Administration as he may designate.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; Commodity Credit Corporation Order 4, 8 F.R. 7887)

Issued this 24th day of July 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43-12236; Filed, July 28, 1943; 4:54 p. m.]

WAR PRODUCTION BOARD.

[Certificate 102]

DELIVERY AND DISTRIBUTION OF MILK IN WATERTOWN, N. Y.

The ATTORNEY GENERAL.

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of milk by motor vehicle in the Watertown Milk Marketing Area, New York.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 28, 1943.

[F. R. Doc. 43-12286; Filed, July 29, 1943; 11:20 a. m.]

[1] *Supra.*

[Certificate 103]

COOPERATIVE ACTION PLAN BETWEEN AND AMONG CERTAIN OIL COMPANIES

The ATTORNEY GENERAL.

I submit herewith two letters to me from H. J. Klossner, President of Rubber Reserve Company, dated February 10, 1943, and July 7, 1943, relating to the formulation and execution of a plan for cooperative action between and among Neches Butane Products Company, The Atlantic Refining Company, Socony-Vacuum Oil Company, Inc., The Pure Oil Company, The Texas Company and Gulf Oil Corporation in the construction and operation of plant facilities for the production of one hundred thousand (100,000) short tons of butadiene annually for sale to Rubber Reserve Company.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan described in the letters; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person, including any of the six above-named privately-owned companies, in the formulation and execution of such plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 28, 1943.

[F. R. Doc. 43-12287; Filed, July 29, 1943; 11:20 a. m.]

[1] Not filed with Division of the Federal Register.

[Certificate 104]

CROSS-LICENSE AGREEMENT (BUNA RUBBER)

The ATTORNEY GENERAL.

I submit herewith a standard form of agreement entitled "Cross-License Agreement (Buna Rubber)" proposed by the Rubber Director and the Secretary of Commerce for execution between the Rubber Reserve Company and private corporations undertaking to give assistance to the Government's synthetic rubber program.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the standard form of agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any party to such agreement pursuant to the terms thereof is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JULY 28, 1943.

CROSS-LICENSE AGREEMENT (BUNA RUBBER)

This agreement, effective as of the date of last execution hereof, by and between Rubber Reserve Company (hereinafter called "Reserve"), a corporation created by Reconstruction Finance Corporation pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, and having an office for the transaction of business in Washington, D. C., and _____ (hereinafter called "Licensor"), a corporation organized and existing under the laws of _____ and having an office for the transaction of business at _____;

Witnesseth:

In consideration of the mutual covenants and understandings herein contained, the parties hereto agree as follows:

Article I

DEFINITIONS

For the purposes of this Agreement, the terms hereinbelow in this Article I listed shall have the following meanings, respectively:

1.01. "Buna Rubber" means any synthetic plastic vulcanizable rubberlike material which is (a) produced by the polymerization of one or more hydrocarbon diolefins of the butadiene type or (b) produced by the polymerization, copolymerization, interpolymerization or other joinder of one or more hydrocarbon diolefins of the butadiene type with one or more organic compounds: *Provided*, That the resulting product shall contain not less than fifty per cent (50%) by weight of combined hydrocarbon diolefins of the butadiene type.

1.02. "Special Purpose Buna Rubber" means Buna Rubber mainly adapted for use other than use as a general substitute for natural rubber in tires and other principal rubber products.

1.03. "Specialty Buna Compounds" means any compound, or vulcanizate thereof, of Buna Rubber which is mainly adapted for use other than use as a general substitute for compounds or vulcanizates of natural rubber in tires and other principal rubber products, and which is either sold by the manufacturer thereof as a finished compound or incorporated by him into a fabricated article.

1.04. Reserve will promptly on written request made during the War Period by any originator thereof, and after notice in writing to Licensor and opportunity for hearing, classify as Special Purpose Buna Rubber any Buna Rubber which in its judgment should properly be so classified under the above definition of Special Purpose Buna Rubber. During the War Period Reserve shall also have the right, on its own motion, and after notice in writing to Licensor and opportunity for hearing, to revise any previous classification. Reserve shall give prompt notice in writing to Licensor of any original or revised classification or refusal thereof, and such classification or refusal shall be effective and conclusive on Licensor and all parties executing similar agreements with Reserve from and after the date of such written notice thereof. No Buna Rubber shall be considered as Special Purpose Buna Rubber unless so classified by Reserve as aforesaid. For the purposes of this Section 1.04, Buna-N shall be considered as having been classified by Reserve, as of July 1, 1943, as a Special Purpose Buna Rubber.

1.05. "Buna-N" means a Buna Rubber which contains 10% or more of acrylonitrile and/or its homologues.

1.06. "Buna Rubber Patent Rights" of any corporation means all United States patents and patent applications and transferable rights thereunder now or hereafter prior to the end of the War Period owned or controlled by such corporation (in the sense of having the right to make the grants hereinafter set forth without accountability to others than Subsidiaries and Affiliates or employees of said corporation or of any of its Subsidiaries and Affiliates) to the extent, but only to the extent, that the claims of such patents are based upon inventions conceived prior to the end of the War Period and (a) cover any Buna Rubber or any process or any apparatus useful in the manufacture of any Buna Rubber (but not raw materials therefor) or (b) are directed

specifically to the compounding or vulcanization of rubbers of the general type of Buna Rubber, or to compounds or vulcanizates so obtained. The Buna Rubber Patent Rights of Reserve shall include, without limitation, (a) all transferable rights acquired by Reserve under the Buna Rubber Patent Rights, as defined in the foregoing sentence of this section 1.06, of any sublicensee to whom Reserve shall grant a sublicense under the Buna Rubber Patent Rights of Licensor pursuant to the provisions of section 2.02 hereof, and (b) all transferable rights acquired by Reserve under the Buna Rubber Patent Rights, as defined in section 6.02 hereof, of any sublicensee to whom Reserve shall grant a sublicense under the Buna Rubber Patent Rights of Licensor pursuant to the provisions of section 6.01 hereof.

1.07. "Subsidiaries and Affiliates" of any corporation means any parent company or companies of said corporation, and all companies now or hereafter owned or controlled, directly or indirectly, by said corporation, whether alone or together with any one or more parent companies, or by any parent company or companies of said corporation.

1.08. "War Period" means the period of time extending from December 9, 1941 through the first six months after the cessation of hostilities between the United States and Germany, Italy and Japan.

Article II

LICENSES AND LICENSING RIGHTS

2.01. Licensor hereby grants to Reserve, under the Buna Rubber Patent Rights of Licensor (with the right in Reserve to have others act for it as its agents or on its behalf), a royalty-free, non-exclusive license to manufacture, use and sell Buna Rubber (except Special Purpose Buna Rubber) and to manufacture, use and sell compounds and vulcanizates of the same (except Specialty Buna Compounds), for the full term of the licensed patents, such license to be non-transferable except as provided in section 8.02 hereof. The license set forth in this section 2.01 includes a waiver of all claims for compensation under the Act of October 6, 1917 (Public No. 80—65th Congress), as amended, which might otherwise be asserted against Reserve or the Government of the United States of America (hereinafter called the "Government") for the use in the manufacture, use or sale of Buna Rubber (except Special Purpose Buna Rubber) or the manufacture, use or sale of compounds or vulcanizates of the same (except Specialty Buna Compounds), of inventions covered by any and all claims of any and all patent applications included within the Buna Rubber Patent Rights of Licensor and with respect to which the grant of a patent or patents is or shall be withheld by the Commissioner of Patents pursuant to said Act, as amended.

2.02. Licensor hereby grants to Reserve a non-exclusive right to grant to others, under the Buna Rubber Patent Rights of Licensor: (a) royalty-free, non-exclusive sublicenses to manufacture, use and sell Buna Rubber (except Special Purpose Buna Rubber) and to manufacture, use and sell compounds and vulcanizates of the same (except Specialty Buna Compounds) for the unexpired term of the licensed patents, such sublicenses to be non-transferable except as Licensor's rights hereunder are made assignable or extendable pursuant to section 8.01 hereof; and (b) releases for past infringement, if any, on account of the manufacture, use or sale of Buna Rubber (except Special Purpose Buna Rubber) or on account of the manufacture, use or sale of compounds or vulcanizates of the same (except Specialty Buna Compounds) by sublicensees of Reserve under the Buna Rubber Patent Rights of Licensor whose sublicenses were granted prior to the date of this agreement, such releases to be effective only for operations during the period between the effective dates of such sublicenses, respectively, and the effective date hereof. Except as Provided in section 6.01 hereof, Reserve shall have the right to grant sublicenses and releases, as aforesaid, only during the War Period. No sublicense or release shall be granted by Reserve under the Buna Rubber Patent Rights of Licensor except by an agreement containing provisions identical with those of article I and sections 2.02, 2.05, 5.01, 6.01, 6.02, 8.01 and 9.01 hereof and otherwise on substantially the same terms and conditions as this agreement, it being understood, however, that in making any such agreement Reserve may alter or omit provisions corresponding to section 4.01 hereof.

2.03. Reserve hereby grants to Licensor, under the Buna Rubber Patent Rights of Reserve, a royalty-free, non-exclusive license to manufacture, use and sell Buna Rubber (except Special Purpose Buna Rubber), and to manufacture, use and sell compounds and vulcanizates of the same (except Specialty Buna Compounds), for the unexpired term of the licensed patents, such license to be non-transferable except as provided in Section 8.01 hereof. With respect to Buna Rubber Patent Rights acquired by Reserve subsequent to the effective date hereof, Reserve hereby grants, and agrees to grant, to the full extent that it has or shall have the right so to do, to Licensor a release for infringement on account of the manufacture, use or sale of Buna Rubber (except Special Purpose Buna Rubber) or on account of the manufacture, use or sale of compounds or vulcanizates of the same (except Specialty Buna Compounds) prior to the date upon which Reserve acquires such Buna Rubber Patent Rights.

2.04. Reserve shall give Licensor prompt notice of the issue of each sublicense granted by Reserve hereunder, and of each assignment or extension of such sublicense.

2.05. Reserve agrees to offer an agreement on the same terms and conditions as this agreement to all Subsidiaries and Affiliates of Licensor who occupy such status during the War Period (or at the date of this agreement if this agreement is entered into after the War Period) and whose business, research or patents during such period (or at such date) relates to the subject matter of this agreement. Licensor agrees, for the benefit of Reserve and its sublicensees pursuant to this agreement, to use its best efforts to cause all such Subsidiaries and Affiliates to accept such offer.

Article III

VALIDITY OF PATENTS

3.01. Nothing contained in this agreement shall be construed as a representation, warranty or acknowledgment with respect to the validity of or title to any Letters Patent.

Article IV

WARRANTY BY LICENSOR

4.01. Licensor represents and warrants that it or one or more of its Subsidiaries and Affiliates has been certified in writing by the Rubber Director to be qualified to render technical assistance to the Government, and has undertaken in a manner prescribed in writing by the Rubber Director to render technical assistance to the Government in the development of cheaper or better Buna Rubber.

Article V

TECHNICAL INFORMATION

5.01. In addition to the undertaking required in Section 4.01 hereof, Licensor shall assist in the Buna Rubber program of Reserve as follows: During the War Period Licensor shall supply to Reserve technical information on Buna Rubber (except Special Purpose Buna Rubber) and the compounding and vulcanization thereof (but, with respect to compounding and vulcanization, only insofar as such technical information relates especially to Buna Rubber and is not specific to Special Buna Compounds) under any system which may be instituted by Reserve for the collection and exchange of such information and which applies uniformly to all parties who enter or have entered into agreements with Reserve similar to this agreement prior to the end of the War Period.

5.02. During the War Period Reserve shall make available to Licensor the technical information received by Reserve under any system as referred to in Section 5.01 hereof in such fields as Licensor may from time to time request.

5.03. The obligations contained in this article V shall be subject to such rules and regulations governing the disclosure of technical information as now exist or may be hereafter promulgated by the Government.

Article VI

PROVISIONS RELATING TO LESSEES AND PURCHASERS OF GOVERNMENT-OWNED PLANTS

6.01. Notwithstanding any contrary provisions elsewhere in this Agreement set forth, Reserve's right to grant sublicenses under the Buna Rubber Patent Rights of Licensor shall remain in force after the War Period with respect to lessees and original purchasers of Government-owned Buna Rubber plants the construction of which was begun prior to the end of the War Period, but any such sublicense under the Buna Rubber Patent Rights of Licensor, if granted by Reserve after the War Period, shall be limited to Buna Rubber (excluding Special Purpose Buna Rubber) manufactured in the Government-owned plant, or plants, leased or purchased by the sublicensee, and to compounds and vulcanizates of the same (excluding Specialty Buna Compounds). In the event that Licensor itself is such a lessee or purchaser and the effective date of this Agreement is subsequent to the end of the War Period, the license granted by Reserve in Section 2.03 hereof shall be limited to Buna Rubber (excluding Special Purpose Buna Rubber) manufactured in the Government-owned plant, or plants, leased or purchased by Licensor, and to compounds and vulcanizates of the same (except Specialty Buna Compounds); and the Buna Rubber Patent Rights of Licensor, as defined in Sections 1.06 and 6.02 hereof, shall be included in the Buna Rubber Patent Rights of Reserve for the purposes of releases and sublicenses granted by Reserve prior to or subsequent to the end of the War Period under agreements similar to this agreement.

6.02. Notwithstanding any contrary provisions elsewhere in this agreement set forth, the Buna Rubber Patent Rights of any sublicensee of Reserve, who is a lessee or purchaser of a Government-owned Buna Rubber plant and whose agreement evidencing such sublicense is executed after the War Period, shall include not only those coming within the control of such sublicensee prior to the end of the War Period and based upon inventions conceived prior to the end of the War Period but also those coming within the control of such sublicensee prior to the effective date of said agreement and based upon inventions conceived prior to the effective date of said agreement. In the event that Licensor itself is a lessee or purchaser of a Government-owned Buna Rubber plant and the effective date of this agreement is subsequent to the end of the War Period, the Buna Rubber Patent Rights of Licensor shall include not only those coming within the control of Licensor prior to the end of the War Period and based on inventions conceived prior to the end of the War Period, but also those coming within the control of Licensor prior to the effective date hereof, and based upon inventions conceived prior to the effective date hereof.

Article VII

FREEDOM OF ACTION

7.01. Nothing in this agreement shall limit or restrict in any way the right of Licensor freely to grant, directly or indirectly, through any agent or otherwise, any non-exclusive

release, license, immunity from suit or other right or privilege under or in respect of any of its Buna Rubber Patent Rights on such terms and conditions as it alone shall determine.

Article VIII

ASSIGNMENT

8.01. Licensor's rights and obligations under this agreement may be assigned by Licensor only to the successors and assigns of substantially the entire business and assets of Licensor; except that Licensor, or its assignee as provided herein, while remaining a party to this agreement, may extend the benefits of any and all licenses and sublicenses which it enjoys hereunder to any subsidiary corporation organized after the War Period which is, and only so long as it remains, in effect the sole property of Licensor. Licensor shall promptly notify Reserve of any such assignment or extension.

8.02. Reserve's interests under this agreement may be assigned by Reserve only to another branch or agency of the Government and upon such assignment such other branch or agency of the Government shall acquire all the rights, powers and privileges of Reserve hereunder and shall be bound by all the duties and obligations of Reserve hereunder, and Reserve shall thereby cease to have any further rights, powers, privileges or duties hereunder, it being expressly understood that any such assignment by Reserve of its interests in this agreement to any other branch or agency of the Government shall be subject to all the rights, powers and privileges of Licensor hereunder, and shall be conditioned upon such assignee's assuming all duties and obligations of Reserve hereunder. Reserve shall promptly notify Licensor of any such assignment.

Article IX

CONSTRUCTION

9.01. This agreement shall be construed in accordance with the law of the State of New York.

In witness whereof, Rubber Reserve Company and ---------- have caused this agreement to be executed by their respective Presidents or Vice Presidents, duly authorized thereto, and their respective corporate seals to be hereunto affixed, duly attested by their respective Secretaries or Assistant Secretaries on the respective dates hereinafter shown.

RUBBER RESERVE COMPANY

By ----------
President.

Attest:

Secretary.

Washington, D. C., Date ----------

(Licensor)

By ----------
President.

Place ----------

Date ----------

Attest:

Secretary.

[F. R. Doc. 43-12283; Filed, July 29, 1943; 11:21 a. m.]

OKLAHOMA STATE HIGHWAY DEPARTMENT

AMENDMENT TO PARTIAL REVOCATION ORDER

[Serial No. 483 E]

Builder: Oklahoma State Highway Department, Oklahoma City, Oklahoma. Project: Projects for the construction of bridges and approaches on Federal Aid Highways identified as FAP 590 B (1) and FAP 122 A (2).

The partial revocation order issued December 24, 1942, Serial No. 483 E, affecting those portions of such serially numbered Preference Rating Order described as Oklahoma State Projects FAP 590 B (1) and FAP 122 A (2) is hereby amended to delete all reference to Oklahoma State Project # FAP 122 A (2), and to restore to full force and effect the previously assigned preference ratings insofar as they apply to Oklahoma State Project # FAP 122 A (2).

Issued: July 29, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12235; Filed, July 29, 1943; 11:18 a. m.]